

**Westwood Planning Board Minutes**  
**Tuesday November 30, 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 November 30, 2021 Planning Board meeting was conducted via remote participation by the Board.

**Call to Order:**

The meeting was called to order by Chairman Pfaff at approximately 7:04 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 [available here](#). Chair Pfaff explained the meeting procedures, and how the Planning Board process works, including how the public should participate by raising their zoom hand.

**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, Nora Loughnane Director of Community & Economic Development, Pat Ahearn Town Counsel and Jessica Cole, who recorded the meeting minutes.

**Elementary School Building Project at Hanlon School Site 790 Gay St.-Limited EIDR (EMM)- Public Hearing** (continued from September 21 & October 12). Project proposal to demolish the existing school & construct new building, parking, access roads and walkways, soccer field, baseball field, outdoor classrooms, and playground area. Proposal includes earth material movement for site work. The hearing was continued to further review stormwater and drainage details after soil test sampling.

Ms. McCabe reported to the Board that the project team requested a continuance to the Board's next meeting on December 14 to provide more time to submit a response including final sizing for the fields and the stormwater review.

*Action Taken:*

Upon a motion made by Mr. Atkins and seconded by Ms. Rollings, the Planning Board voted 5-0 in favor via roll call vote to continue the Elementary School Building Project public hearing to Tuesday, December 14th at 7:00 pm via Zoom.

**Zoning Initiatives and Zoning Amendment Public Work Session.** The Planning Board will review and discuss zoning amendment articles being considered for the 2022 Annual Town Meeting. The discussion will focus on, but is not limited to, the following zoning amendment topics.

- 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 M.G.L 40A.
  - Multi-family housing as-of-right within 1/2 mile of train station and bus stops for MBTA Communities.
  - Review evaluation scorecard for properties to consider for multi-family housing
  - Smart Growth Districts M.G.L. Chapter 40R [Smart Growth Zoning & Housing Production]
  - Starter Home Districts M.G.L. Chapter 40R [Smart Growth Zoning & Housing Production]
  - Affordability requirements
  - Solar Arrays – Zoning changes related to solar arrays on roofs, on the ground, on accessory structures, and the permitting process.

Ms. McCabe informed the Board members that some of the Housing Partnership and Housing Authority were present. Ms. McCabe gave a brief summary of the zoning amendment that the Planning Board has been working on. Board has been getting ready with their proposal to satisfy the new state law for MBTA communities to have zoning for multi-family housing within a half mile of a train station. The State has not released guidance but there was a press release this week that said the state intends to put out their guidance in mid-December followed by public comment period prior to finalizing. In the interim period the state has allowed submitting a draft to them to get an advisory opinion.

**Staff & Board Comments during discussion:**

Will only discuss properties within half a mile of a train station.

Gables apartments (6 acres) and Pulte condos (2.5 acres) properties at University Station.

Try to have multi-use/mixed use if we can.

Member suggested not zoning the full extent of each property.

Would like to see a mix of uses with commercial being maintained.

Board supportive of having the new zoning over larger parcels than the small parcels.

Acreage on Everett Street? *Ms. McCabe: 2 parcels used as one 6.7 acres. Most of it is within 1/2 mile of the train station.*

Suggest that we use the scorecard for the properties based on the criteria reviewed at last meeting.

A member suggested taking a tiered approach, have more properties in mind for the future if need to expand the zoning in the future but start with the smallest zone to meet the law.

Does the Attorney General want more acreage? The size of the zoning district is unknown; the law says "of reasonable size".

Board members were interested in getting the state's feedback and then offer more if needed and required.

Mr. Ahearn: Reminded the Planning Board that at the last Town Meeting in May 2021, the Board promulgated regulations for substance abuse facilities within Town and limited it to a 9-acre parcel. The Attorney General has just ruled that it was adequate and it was approved within the last few days. The State wants to encourage affordable housing.

Other ideas:

121 Providence Hwy: Currently owned by the state. It is a 7-acre property. Could consider this if we need more acreage to meet the state requirements.

The Budget Hotel, on Providence Highway

Blue Hill & Whitewood, board members not supportive of re-zoning at undeveloped land in single-family zone.

Gables & Pulte properties (Westwood Place): 8.5 acres total, already developed at the minimum density. Take credit for what we've already done.

Mr. Pfaff wanted to go through the property(ies) with the scorecard.

Started with The University Avenue properties. Gables 85-91 University and 120-130 University Ave. Pulte Condos:

Discussion:

More beneficial in its existing state.

Would require a new development plan.

Currently the UAMUD zoning has a restriction on bedrooms.

These properties have restrictions under the Master Development Agreement.

Have full utility access. Very walkable to train station. Multi-use shared path. Nearby shopping.

Does it meet the requirement of a Zoning District of a reasonable size – yes, the size has provided housing of at least 15 units per acre, the zoning district does not need to all be contiguous can be over multiple parcels.

Include the Schools and School Committee possibly in the conversation.

Will the state mitigate funds?

Ms. McCabe: We have not received that guidance for this MBTA zoning. However, there is a state program known as "Smart Growth Districts" in M.G.L c. 40R. Instead of doing just the straight zoning overlay district for the multi-family, the Planning Board could choose to do a 40R which would satisfy the MBTA Community requirement. The 40R Smart Growth District requires 20 units per acre, 20 % affordable units, an as-of-right "plan approval", encourages mixed use and redevelopment in village centers, downtowns, and old industrial sites. The benefit to the Town is the state provides payments to the Town upon adoption of the zoning, for each building permit issued, this state law does include a section 40S where school costs for any new students that come in are reimbursed from by the state.

Score: 95 quick calculation

Everett Street: 6.7 acres

It would need stormwater work to improve

No deed restrictions.

120 points, due to section B.

Both properties were measured positively.

121 Providence Hwy:

Some interest in looking at the property.

Not currently receiving taxes from the state for this property.

Don't want to burden one part of Town.

Tumble Bus property would not be a burden to Islington.

These two locations are the least obtrusive spots in Town to minimize impacts on abutters.

More housing choices are admirable and favored by the state.

The board would like to continue having conversations for more reasonably priced homes, such as starter homes for a future zoning change.

Affordable housing, consider that we may need to have housing elsewhere to balance.

#### Public Comments:

Ms. Fusco typed in Q&A and was read by Chair Pfaff: The Planning Board needs to be sensitive to the Islington neighborhoods. To dismiss the community's reaction to the recent development by differentiating it from "the town's reaction" is inappropriate, and underlines the disregard the town officials continue to direct towards the Islington community.

Ms. Fusco typed in the Q&A and was read by Chair Pfaff: It's not about getting past Town meeting. It's about doing the right thing for the residents of the Islington neighborhoods!

Mr. Rizoli, Chair of the WAHA/Housing Authority and member of the Housing Partnership was present. He congratulated the board on their work thoroughly evaluating properties this evening and he supports the initial zoning. He noted that the Everett Street property is in need of redevelopment. He added that Westwood is in need of family housing not just senior housing. He would like to see the Board go to the State with these parcels and ask the questions that are still outstanding and including adding affordable housing.

#### Staff & Board Comments:

Two University Station properties (85-91 University) and tumble bus properties (22 Everett Street) in for now, and not add any at this time.

Important for the Planning Board to be unanimous.

Add an affordability requirement.

What are the state's intentions for noncompliance?

Ms. McCabe, not quite ready to submit to the state because the zoning language also needs to be included not just the proposed zoning map. More than just a map, looking for draft text to go with it for the preliminary state review. Include 15% affordability and if the State says no, we can ask why not?

Ms. McCabe: Need to go through more details before submitting it to the state. She has prepared a draft zoning bylaw for the board members to review for the next meeting. The purpose is important; it sets the stage for what the Planning Board is requiring in the zoning. It is an as of right approval for the use, but try to make it consistent with the other EIDR requirements. The Planning Board may need one more meeting to discuss the text.

Ms. Loughnane: Review by the board members is necessary before submitting it to the state. The earlier it is submitted may benefit from development of the guidance that is coming out in mid-December. Once the guidance comes out there will be a lengthy period of review where municipalities will have an opportunity to react to the guidance.

Mr. Ahearn said the final rules from the state will probably come out in the late winter or early spring.

Ms. Loughnane: If the State sees what Westwood is doing we could help out with finalizing the guidelines for all communities.

#### Public Comments:

Ms. Fusco typed in Q&A read by Chair Pfaff: Why would we offer both at once? Shouldn't we start small?

Mr. Pfaff responded that we are only getting feedback from the state at this time, it might not be enough to have just 6 acres. Mr. Atkins added that we are going to a lot of trouble to improve the housing supply in Westwood, we are being proactive to meet the state's law.

Vicki Makrides, member of the Housing Partnership was present. She said she is concerned about the implications. Including the University Station would require something to be torn down and replaced. Additional housing on the parking lot. Including it would create problems. It might interfere with housing.

Mr. Pfaff responded that we are updating the zoning, it does not necessarily mean the board is proposing housing but we are updating the zoning so that a development could come in under the new zoning. There are multiple opportunities to develop these sites. Additional development could happen. There will be 15 units per acre by-right. Anything more would need special approval from the board. Mr. Ahearn: The Town has a development agreement at University

Station. Ms. Loughnane added that to develop the two areas at University Station, the Planning Board and Select Board would need to allow the land to be taken out of the University Station Development and the Development Agreement. It is in a multi-step process. Very low likelihood that the properties would be used otherwise because the existing University Station Master Plan and the UAMUOD (University Avenue Mixed Use Overlay District) is more beneficial than what the board is considering now because the current proposal is less dense than what is allowed under the UAMUOD.

**Staff Comments:**

Ms. McCabe asked the Board members to review the draft zoning bylaw and be prepared to review in detail at the next meeting. If members have any specific edits please send to her by December 9 to be included in an updated draft. On December 14 aim to be ready to give the okay to a first draft to submit to the state for an advisory opinion.

**Public comments:**

Jackie K, typed in Q&A read by Chair Pfaff: Why such a push for this when no other towns are working on this?

Mr. Pfaff replied that this is a new state law that went into effect this year. The board has had time at our meetings this year and the board is working on changing the zoning to be in compliance with the state law. Ms. Loughnane added that several towns are working on this. The state law requires all MBTA communities must do this. Westwood is taking this law seriously. Mr. Ahearn also added that this is the law that does not give us an option.

Ms. Fusco typed in Q&A: Before this goes to Town meeting, the residents need to know, what dollars will the town not be getting if we vote it down?

Jackie K typed in Q&A: Thank you. Have we looked at all the issues that could arise from this before we make the zoning? What will this dense housing area cost the taxpayers of the Town compared to the amount of grant money lost? How many more police and firefighters must be added? How many new students will this add to the school?

Mr. Pfaff: We don't know the answers of the cost; we are only laying the groundwork for zoning. The Board proposes zoning no development projects are proposed at this time.

**Staff & Board Comments:**

- Get comments on the DRAFT to Ms. McCabe.
- State Starter Home District and Smart Growth districts to consider for future zoning initiative.
- Ms. McCabe looked into the Starter Home Districts in the state's zoning program. She believes it is intended for more rural communities. Westwood may not have the land for this specific zoning. It is for land that is ready to be developed. 40R, smart growth, there is a preference for 20 units per acre. Financial incentives. 40S, reimburse towns for additional students coming into the district.
- We could craft our own zone without the grants from the state.
- Read through the starter home for the state, but it would be tricky in Westwood. Would like to see the Planning Board craft a neighborhood. A 12-acre parcel on 109 comes to mind.
- The Planning Board tried to reduce the amount of tear downs in the Maze neighborhood. Ms. Loughnane: The Town reduced the ability to get a variance for dimensional relief for non-conforming properties. A special permit is allowed if you're extending an existing wall vertically or horizontally. A variance is required if you are creating a greater non-conformance. Need a variance only if very specific, it is harder to build a big house on a small lot.

**Other Business:**

Review of Draft Meeting Minutes:

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 from November 9, 2021 as amended. Record of the vote: (Atkins – aye, McCusker – Aye, Rollings – Aye, Pfaff – Aye, Wynne – Aye).

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 meeting minutes from November 15, 2021 as amended. Record of the vote: (Atkins – aye, McCusker – Aye, Rollings – Aye, Pfaff – Aye, Wynne – Aye).

**Public Comments:**

Ms. Galkowski typed in Q&A: So I take it you're not taking up the solar bylaw tonight?

Mr. Pfaff responded that we will add it to the agenda on 12/14. Read the draft and send any submissions to Ms. McCabe. Board member noted WEAC will discuss it tomorrow night. Board members said they plan to submit this warrant article to Town Meeting and the draft is prepared and in good shape. WEAC should provide any further comments to the planning board.

Ms. Fusco typed in Q&A: We also own 5 acres next to the First Parish/HS.

Mr. Ahearn replied: The Select Board holds all the land for the Town except those that are given to the school.

Ms. McCabe reported to the Board that the Attorney General approved all of the zoning amendments from the May Town meeting. She will get the new Zoning Bylaw and Map 2021 out and posted.

**Adjournment:**

Upon a motion made by Ms. Wynne and seconded by Ms. Rollings The Planning Board voted in favor (5-0) via roll call vote to adjourn at 10:05pm.

**List of Documents:**

Link to Documents: [https://westwoodtownma.iqm2.com/Citizens/detail\\_meeting.aspx?ID=1668](https://westwoodtownma.iqm2.com/Citizens/detail_meeting.aspx?ID=1668)

Link to the Planning Board web page

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

<b>Zoning Amendment Discussion</b> DHCD Preliminary guidance for MBTA communities Dept. of Housing & Community Development, 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 8/31/2021, 17 pages. Current Official zoning map, May 2018, 1 page. Zoning Amendment Flow Chart, 1 page. Multi-family housing location evaluation criteria 11/8/2021 DRAFT, 5 pages. Westwood Zoning District Size Comparison Planning Memo to Fin Com MA Housing Zoning Programs Mixed-Use Multi-Family MBTA Community Zoning DRAFT Draft Zoning Amendments Solar 11-15-2021 MA Model Solar Zoning State Update on MBTA Communities Draft Zoning Map Overlay – Draft Option MBTA Communities Email from Housing Partnership Member, Makrides Chapter 40 S Statute (School Reimbursements for 40Rs)	PDF
Hanlon Elementary School, 790 Gay Street, Applicant's request to continue public hearing.	PDF
Draft minutes from November 9, 2021 Draft minutes from November 15, 2021 Attorney General Approval Articles 21-22 from May 2021 Attorney General Approval Articles 17 – 20 from May 2021 Mass Dot Public Hearing Billboard Conversion	PDF