

Westwood Planning Board Minutes
Tuesday January 11, 2022
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 January 11, 2022 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 7:00 pm. The remote meeting was video recorded by Westwood Media Center and was available on Comcast channel 12, Verizon channel 42, and available for viewing on Westwood Media's YouTube channel here: <https://www.youtube.com/watch?v=Q0RUCKDg4RA>. Chair Pfaff explained the meeting procedures, and how the Planning Board meeting and public participation 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. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and Wynne – aye. Staff members present: Abigail McCabe Town Planner, Karon Skinner Catrone Conservation Agent and Deputy Tree Warden for the first item, and Jessica Cole, who recorded the meeting minutes.

20 Wildwood Dr. – Earth Material Movement EIDR. Ms. McCabe reported that this public hearing was continued from the December 14 meeting and the Applicant has requested a further continuance to the next meeting on February 1st at 7:00 pm on Zoom to have more time to provide the engineered plan.

Action Taken:

Upon a motion made by Ms. Rollings and seconded by Mr. Atkins, the Planning Board voted 5-0 in favor via roll call vote to continue the public hearing for the earth movement application for 20 Wildwood Dr. to Tuesday, February 1st at 7:00 pm on Zoom. The Zoom info will be provided on the Town's website. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and Wynne – aye.

Dover Road Scenic Road tree removal public hearing. Westwood Tree Warden requested removal of a dead tree within the public right-of-way of Dover Road in front of 60 Dover Rd.

Karon Skinner Catrone Deputy Tree Warden for the Town was present. She received a complaint in mid-November, about a tree in the right of way. The tree has several scars, probably has root rot and the upper branches are dead. The real threat is to the wires and the tree falling in the street.

Staff & Board Comments:

- Not a healthy tree, not in a good spot, what would you replace it with? *Ms. Catrone: The Town does not have funding right now for a new tree, suggested to replace when funding is available or suggest that the homeowner replace and put the tree on his property.*
- Where is the tree? *5 feet from the line. 13.88 feet is in the right of way.*
- Are we obligated to replace the tree? *Ms. Catrone, No. The owner would like to replace the tree, but the Town would prefer it on the private property so they do not have to maintain it.*
- Will the resident will agree to that? *Ms. Catrone: Yes.*
- The owner suggested a large shrub or a small tree and would require it to be native. *Mr. Pfaff: Leave it up to Administrative review, Town Planner. Ms. McCabe would defer to the Tree Warden.*

Chair Pfaff offered the opportunity for public comment and asked people to raise their zoom hand to be unmuted. There were no public comments.

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 Tree Warden's request to remove the dead tree for public safety reasons and authorize the removal of the tree to be replaced with a native species when funds become available. The tree species can be decided by the

Town Planner and Tree Warden. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and Wynne – aye.

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 close the public hearing for the Dover Road Scenic Road tree removal. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and Wynne – aye.

Zoning amendments submitted for Annual Town Meeting. The following articles were submitted by the Planning Board for consideration on the warrant. Discussion may focus on, but is not limited to, the following zoning articles. Click here for more detail on the Planning Board's zoning article request.

Ms. McCabe reported that since last week's meeting the Board has submitted 6 warrant articles to the Select Board and the Annual Town Meeting warrant was closed last week. The public hearing legal notification went to the newspaper for the February 1st hearing. Since last week, the draft zoning articles were in your packet and can be reviewed tonight and will be posted to the website after tonight's meeting after the Board has confirmed the drafts.

Article 1: Zoning Bylaw & Map Amendments Relative to a new Mixed-Use & Multi-Family Residential Overlay District pursuant to Chapter 358 of the Acts of 2020 amendments to M.G.L. Chapter 40A for MBTA Communities.

Staff & Board Comments

- It represents what we discussed.
- We don't have a bus route on 109, any consideration for one? MBTA zoning on 109. What would it take to get bus stops on 109? *Ms. McCabe: Not heard about any implementation, but there have been requests. Comments are still allowed to the State; we can ask about increased service on 109.*
- Submitting comments on the draft guidelines. Do the comments have to come from the Select Board sends? What is the process for submitting comments to the state? *Ms. McCabe said that the draft guidelines are required to be presented to the Select Board and comments may come from them but can also come from the Planning Board. Any of the MBTA communities can provide comments by March 31st and by May 2nd the draft guidelines must be presented to the Select Board and an informational submission on the community is required to be submitted. Ms. McCabe will double check the process.*
- If we get more bussing on 109, we would have to be in compliance on 109, correct? *Ms. McCabe, there is a timeframe, looking for compliance by 2023. To create a new bus route may take a while.*
- Ms. McCabe explained that when we wrote the public hearing's legal notice we wrote it so there is some flexibility so the Board can consider other locations by reducing or expanding the district.

Article 2: Zoning changes related to solar arrays and the permitting process.

Staff & Board Comments:

- Ms. McCabe revised and tried to capture what was discussed at the 1/3/2022 meeting.
- The board asked about screening for the ground mounted solar? McCabe said the draft includes language that screening may be imposed as a condition.
- Ground mounted even if it's accessory won't go to the Planning Board unless it is over 10,000 square feet or 250 kilowatts.
- Board is in agreement that it captures what we wanted.
- Suggested language to clarify that solar can be on an existing or future structure and be considered roof mounted.
- Can you just remove the existing structure? Make it any structure. Remove the word existing.
- Ms. McCabe: Brigham & Women's parking garage...solar there. Would be considered roof mounted. They are allowed as this is written.
- Ms. McCabe: Over a parking lot would be another solar, parking garage would be roof mounted. Ms. McCabe will ask for more clarification.

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

Public Comments:

Ms. Galkowski typed in chat: thank you Abby. So do solar arrays on top of accessory structures have to have an administrative review in this draft? I thought only ground mounts were supposed to go through administrative review.

Ms. McCabe responded that yes the way it is in this draft it can go straight to Building and Electrical Permits if solar is mounted to a roof or top of a structure, principal or accessory structure.

Article 3: 394 & 396 Providence Highway – Re-zone parcel and portion of former right-of-way from Industrial Office (IO) and unzoned portion of road layout to Highway Business (HB).

Ms. McCabe summarized the article explaining the current gas station and retail store use would become conforming and the zoning district for HB would extend to the abutting parcel. The re-zoning would allow the business owner to renovate the existing gas station and retail building, which is why they asked the Board to re-zone this property. The project would still require a formal application to the Planning Board and Zoning Board of Appeals.

Comments: None.

Article 4: Amend Zoning Map and Zoning Bylaw to add FMUOD-7 at 909 High St. for the adaptive reuse of the Obed Baker House, and a portion over the adjacent town land to LBA and expand the FMUOD7 to the Westwood Plaza at 911-929 High St.

Ms. McCabe summarized the article that this is related to the recent Request for Proposals from the Town for historic rehab of the Obed Baker House. A response was submitted to the Select Board, which is currently being discussed by the Select Board this evening.

Staff & Board Comments:

- Wish we had talked about the properties across the street.

Article 5: Zoning amendments to amend permit process for expansion of nonconforming uses & structures. Ms. McCabe summarized the article to be more consistent with recent case law allowing more flexibility for alterations to structures that are pre-existing non-conforming.

Staff & Board Comments:

- We need to be in compliance with the law.

Article 6: Housekeeping to correct any errors or any inconsistencies and clarify such sections.

Staff & Board Comments:

- Nothing substantial, Ms. McCabe is still checking.

Other Business:

Review of draft minutes:

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 from December 14, 2021 as written. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and 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 January 3, 2022 as written. Record of the vote: Atkins – aye, McCusker – aye, Pfaff – aye, Rollings – aye, and Wynne – aye.

Conflict of Interest Law:

Ms. McCabe reminded the Board that this law should be reviewed annually and the certificate of acknowledgement returned to the Town Clerk via email or form submitted. There is also an online ethics training that must be done by April. Send certification to Ms. McCabe or the Town Clerk.

Ms. McCabe reminded the Board that the initial introduction of articles by article sponsors will be on 1/18/2022 to Fin Com where she will attend with Chair Pfaff. The Planning Board's public hearing will begin on February 1st.

Adjournment:

Upon a motion made by Mr. McCusker and seconded by Mr. Atkins, The Planning Board voted in favor (5-0) via roll call vote to adjourn at 7:53pm.

List of Documents:

Link to Documents: http://westwoodtownma.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1674

Link to the Planning Board web page

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

<p>60 Dover Road-Scenic Road Application, Public Hearing Notice, Westwood Planning Board, 12/15/2021, 1 page. Tree Removal Request, Westwood Conservation Commission, 12/13/2021, 1 page. GIS map, 1 page. Aerial View Photo, 1 page. Aerial View Photo 2, 1 page. Photo-Hearing notice posted on tree, 1 page. Tree & Right of Way, 1 photo</p>	<p>PDF</p>
<p>20 Wildwood Dr. request to continue</p>	
<p>Zoning Amendment Discussion Planning Board Warrant Article Request, Westwood Planning Board, 1/4/2022, 2 pages. Draft Guidelines for MBTA Communities 12-15-2021, Dept. of Housing & Community Development, 11 pages. Letter to MBTA Communities, Executive Office of Housing & Economic Development, 12/15/2021, 3 pages. How to Comply in 2022 for MBTA Communities, Dept. of Housing & Community Development, 1 page. Colbea Westwood Change Petition, Colbea Enterprises, 10 pages. Current Official Zoning Map May 2021, 1 page. Current Zoning Bylaw May 3, 2021, Town of Westwood, 225 pages. Draft ATM 2022 Zoning Amendments LONG Draft ATM 2022 Public Hearing Zoning Amendments SHORT</p>	<p>PDF</p>
<p>Meeting summary memorandum from Town Planner Abby McCabe to Planning Board members, dated January 7, 2022 Draft meeting minutes from December 14, 2021 and January 3, 2022 Summary of Conflict of Interest Law for Municipal Employees 2022</p>	<p>PDF</p>