

Westwood Planning Board Minutes
Tuesday February 15, 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 February 15, 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 on Westwood Media's YouTube channel available for viewing here: <https://www.youtube.com/watch?v=5zV76HPW5GM&t=1823s>
Chair Pfaff explained the meeting procedures for remote meetings, how the Planning Board process works, and how the public can participate.

Present via Remote Participation:

Planning Board members present via Roll Call: Christopher A. Pfaff, David L. Atkins, Jr., Ellen Larkin Rollings and Kathleen Wynne. Member Thomas McCusker was absent. 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.

Zoning Amendment Public Hearing (continued from 2/1). The Board will review, discuss, consider any further changes and make a recommendation to the Finance & Warrant Commission on zoning amendment articles for Annual Town Meeting.

The Planning Board has six warrants and Ms. McCabe has made some minor changes, changes can still be made tonight if the Board has any further changes and should make a recommendation to the Fin Com tonight.

Article 1:

Zoning Bylaw & Map Amendments Relative to a new Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) pursuant to Chapter 358 of the Acts of 2020 amendments to M.G.L. Chapter 40A for MBTA Communities. Ms. McCabe said that only changes made were to add the Institutional use definition and double checked it to make sure it was consistent with the rest of the zoning bylaw.

Board Comments:

No further comments.

Chair Pfaff asked if there were any public comments and asked people to raise their zoom hand.

Public Comments:

Mr. Olanoff, 52 Glandore Road, was present. In section 9.2, the parcels were listed, it is usually just put on the map. Doing parcels instead of zones. Very easy to get this at University Avenue. Nothing is required to be built, but needs to be in proximity to the Railroad Station. Spot Zoning, does it really exist? Section 9.9.3 there is a typo. 9.9.12.8 refer to material board or materials board?
Features under building and design standards, seem to be repetitive.
Washington Street, should it be added? It is needed.
9.9.7 new requirements. Sticking with underlying zoning should be fine.

Ms. Rollings responded that according to the guidelines compliance is good for a decade, and will be evaluated. It may change based on community feedback.

Are there height differences in the proposed zoning and how does the height compared to what's allowed now? *Ms. McCabe: Listed 45 feet as the max height.*

Underlying zoning height requirement 39 by right and 45 feet by special permit. Having the limits and we need to be specific and list out the parcels. In order to accommodate a full 4 stories is the right way to go for the particular location (Foster). The purpose of this zoning proposal is complying with new law and is consistent with our Comprehensive Plan that calls for more types of housing and more affordable housing. A board member responded that when they looked at the Everett Street property four stories seemed necessary to meet the density at this site given the layout with the brook.

Chair Pfaff read comments Ms. Conant typed in Q&A: In reference to the recent zoning it seems presumptuous to move forward so swiftly when the requirements are still fluid, such as the addition of the adjacent towns of MBTA communities now placed in the same position albeit with less acreage required. I've spoken to some neighboring towns who have not yet zoned and are just now beginning to look into it more formally. They have agreed that there is a great deal of disadvantages to municipalities in regards to schools, infrastructure, traffic, quality of life, police and fire, Etc. Everyone agrees that there is a need for housing but towns feel the requirements are too aggressive and short-sighted in regards to the detrimental effects to the town, especially with the amount of acreage they are requiring.

Chair Pfaff read the comments Ms. Conant typed in the Q&A. Has the Town Planner and Economic Developer reached out to neighboring towns to inquire their insight on this new zoning requirement? Are they aware that other towns are seeking outside help with the zoning if they feel they wish to proceed with the zoning and many are considering forgoing the grants feeling that the monetary baiting is not worth the strict requirements set forth at this time. Please provide an answer to this question. It may behoove the town to resist the urge to zone blindfolded until the actual zoning requirement is more thoroughly discussed and solidified at the state level.

Ms. Loughnane responded that staff and the Board don't propose zoning based on an urge to zone. We have spoken to other Towns. We are working under the assumption that the best approach is to follow the law as written and want to be in compliance with the law. The guidelines are still in flux. We believe we should zone and not stop and wait. The Planning Board is proposing what is best for Westwood and in compliance with the law.

Ms. Rollings asked about stress on utilities such as water and sewer. Are there any areas in Town we should be considering that our current infrastructure can support if a larger scale project is proposed?

Ms. McCabe responded that if a project were to come forward, an application would come forward the proposal would also be distributed to public works and engineering, so any upgrades that are needed would be recommended and would be the responsibility of the Applicant to make any necessary upgrades.

Would that apply to by right projects too? Ms. McCabe responded yes and all improvements are at the applicant's expense.

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

Ms. McCabe said the draft from the last meeting only has one change as she added in language to clarify that the O&M plan as only required for the Large Scale Solar projects. She added that the preference is mounting on the roof as that's mostly what we see on residential and several on commercial buildings. As proposed with this zoning the Planning Board will only review the large scale solar proposals at a public hearing.

Board Comments:
No further comments.

Chair Pfaff asked if there were any public comments and asked people to raise their zoom hand.

Public Comments:

Mr. Olanoff, 52 Glandore Road was present. Definitions, parentheses are around them. Do not define carport, it could get more complicated. Does it really matter? Add it to the definitions. Need administrative EIDR.

Other solar-accessory use-admin review.

Large scale projects will go through the Planning Board.

Mr. Ahearn: A carport is simply a ground mounted solar facility that is up higher that allows a car to get under it. And ground mounted are now classified as other and by right.

Article 3:

Amend Zoning Map and Zoning Bylaw to add FMUOD-7 at 909 High St. for the adaptive reuse of the Obed Baker House, amend a portion of town-owned land over the adjacent parcel to LBA, and expand the FMUOD-7 to these High Street parcels & the plaza at 911-929 High St.

Ms. McCabe stated that the only change since the last draft at the last hearing is she added Animal Clinic to the list of uses as she realized this was left out of the first version which is needed for the proposal for the veterinarian clinic.

Board Comments:
No further comments.

Chair Pfaff asked if there were any public comments and asked people to raise their zoom hand.

Public comments:
There were none.

Article 4:

Amend Section 4.5.3 relative to the permit process for nonconforming properties to allow a special permit for certain alterations rather than a variance.

Board Comments:
No further comments.

Chair Pfaff asked if there were any public comments and asked people to raise their zoom hand.

Public Comments:
There were none.

Article 5:

394 & 396 Providence Highway – Rezone parcel and portion of former right-of-way from Industrial Office (IO) and unzoned portion of road layout to Highway Business (HB) to permit redevelopment of existing service station.

Board Comments:
No further comments.

Public comments:
There were none.

Article 6:

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

Ms. McCabe said she added language to one of the definitions that mentioned a state department but didn't specify which one, the State Dept. of Agriculture.

Board comments:
No further comments.

Chair Pfaff asked if there were any public comments and asked people to raise their zoom hand.

Public comments:
There were none.

Action Taken:

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 1 (Mixed Use & Multi-Family Overlay District) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Comments:

Ms. McCabe asked if the Board wants to remove the Washington Street Design requirement from Article 1, which isn't relevant since no Washington Street properties are proposed in the zone? It can be removed because it is not relevant.

All Board members

Ms. Wynne agreed to that friendly amendment that we remove "Washington Street Design" from Article 1.

Mr. Ahern: Asked Mr. Atkins to adopt Ms. Wynne's amendment to the motion.

Mr. Atkins will adopt Ms. Wynne amendment.

Second: Ms. Wynne

The Planning Board voted 4-0 in favor via roll call vote to adopt Ms. Wynne's friendly amendment.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 2 (Permitting for Solar Arrays) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted in favor (4-0) via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 3 (High Street FMUOD) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 4 (Expansion of Nonconforming Structures) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 5 (Rezoning at 394 & 396 Providence Highway) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to recommend favorable action by the Finance & Warrant Commission on article 6 (Housekeeping) as submitted. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Upon a motion made by Mr. Atkins and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to continue the Zoning Amendment Public Hearing to Tuesday March 1, 2022 at 6:00 pm via Zoom. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Mr. Atkins clarified that it is the Fin Com Hearing it will be posted as a Planning Board meeting and continued zoning hearing. Ms. Wynne seconded. The Planning Board voted in favor (4-0) via roll call vote to continue to March 1, 2022 at 6:00 pm. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Other Business Items:

298 Washington St. Islington Center Redevelopment FMUOD Special Permit Project. Board Discussion Item.

Administrative modification request to change dumpsters to a compactor and relocate.

Ms. McCabe stated that this request has been withdrawn.

MBTA Communities Multi-Family Compliance

Review and discuss comments to submit to DHCD on the Draft Compliance Guidelines for Multi-Family Districts Under Section 3A of the Zoning Act applicable to MBTA Communities.

Ms. McCabe reported that the law was presented and discussed at the Select Board's February 7th meeting. A draft letter is in progress from the Select Board and a first draft for Planning Board's review of their letter was in your packet.

Board Comments:

The bus line is significant we may want to look up numbers and ridership for trains/buses.

Compliant for a decade. What is the real expectation? There is a disconnect in the guidelines between zoning and production if looking for compliance ever 10 years. More guidance would be helpful on the long term compliance.

Mr. Ahearn: Understands and hears that you want to be reasonable in your comments. It is challenging. It is okay to be sensitive, but say what you are concerned with.

Can we make the zoning contingent?

Not ready to send it in and read the Draft again, be prepared to review a final draft for next meeting so it can be submitted to the state this month.

Administrative Items:

Review of Draft Meeting Minutes: 2/1/22

Action Taken:

Upon a motion made by Ms. Wynne and seconded by Mr. Atkins, the Planning Board voted 4-0 in favor via roll call vote to approve the meeting minutes from February 1, 2022 as presented. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Pick a peer review consultant for 909 High St. FMUOD Special Permit Obed Baker House Project. Last peer review was PSC, board member suggested changing it up this time to select BETA.

Action Taken:

Upon a motion made by Ms. Rollings and seconded by Ms. Wynne, the Planning Board voted 4-0 in favor via roll call vote to select BETA as the peer review consultant for 909 High St. FMUOD Special Permit Obed Baker House Project. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

Reminder Online Ethics Training: <http://www.muniprog.eth.state.ma.us/> and Conflict of Interest Law

Adjournment:

Upon a motion made by Ms. Wynne and seconded by Ms. Rollings, The Planning Board voted 4-0 in favor via roll call vote to adjourn at 8:50 pm. Record of the vote: Atkins – aye, Pfaff – aye, Rollings – aye, Wynne – aye.

List of Documents:

Link to Documents: https://westwoodtownma.iqm2.com/Citizens/detail_meeting.aspx?ID=1677

Link to the Planning Board web page

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

<p>Meeting Agenda and Meeting Procedures Official Meeting Procedures, 1 page. PB Public Participation Guide, 1 page. PB Agenda 2022-02-15, 2 pages.</p>	PDF
<p>Zoning Amendment Public Hearing Public Hearing Notice, Westwood Planning Board, 1/12/2022, 3 pages. Public Hearing Notice with full text and visuals (Detail), Westwood Planning Board, 1/12/2022, 26 pages. Article 1 Draft Zoning Map Multi Family Overlay, Draft Guidelines for MBTA Communities 12-15-2021, Dept. of Housing & Community Development, 11 pages. Fire Chief solar zoning amendment comments Building Comments Zoning Amendments Colbea Zoning 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. Fin Com Questions Public Hearing Presentation, Westwood Planning Board, 2/15/2022, 17 pages. Zoning Article Language Detailed REVISED 02-11-2022, Westwood Planning Board, 2/11/2022, 28 pages.</p>	PDF
<p>298 Washington Street Islington Center Modification Approved Dumpster Location Highlighted, Sheet 9 Layout Site Plan Proposed, Ozone literature, self-contained compactor brochure</p>	
<p>Comments on DHCD Draft Compliance Guidelines Draft Guidelines for MBTA Communities 12-15-2021, Commonwealth of Massachusetts Department of Housing & Community Development, 11 pages. MGL 40A Section 3A Amendments New Legislation, 1 page. MBTA Communities FAQ, 1/11/2022, 7 pages. MBTA Communities Webinar Deck 01.12.22, 1/12/2022, 19 pages. Draft Guidelines Public Comment Process, 1 page. PB Draft Public Comment Memo for MBTA Communities</p>	PDF
<p>Obed Baker Preliminary Plans, Peer Review Scope from BETA and PSC, Draft minutes from February 1, 2022</p>	PDF
<p>Agenda, Town Planner memorandum to Planning Board members for meeting summary, Chair opening remarks.</p>	PDF