

Westwood Planning Board Minutes
Tuesday May 17, 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 July 15, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order. The May 17, 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 7:02pm. 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/results?search_query=westwood+media+center. Chairman Pfaff explained the meeting procedures, and how the Planning Board process works.

Present via Remote Participation:

Planning Board members present via Roll Call: Christopher A. Pfaff, Ellen Larkin Rollings, Kathleen Wynne, Philip M Giordano and Joshua C. Ames Staff members present: Nora Loughnane, Director of Community & Economic Development, Pat Ahern, Town Counsel and Jessica Cole, who recorded the meeting minutes.

Introduction and Welcome for New Planning Board Members:

Joshua C. Ames and Philip M. Giordano.

Annual Reorganization of Planning Board: Election of Chair, Vice Chair, and Secretary

Action Taken:

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 nominate Mr. Pfaff as the Chairman of the Planning Board.

Upon a motion made by Ms. Wynne and seconded by Mr. Ames, the Planning Board voted in favor (5-0) via roll call vote to nominate Ms. Rollings as the Vice Chair of the Planning Board.

Upon a motion made by Mr. Pfaff and seconded by Mr. Giordano, the Planning Board voted in favor (5-0) via roll call vote to nominate Ms. Wynne as Secretary of the Planning Board.

Public Hearing for Wireless Communication Overlay District Environmental Impact & Design Review (WCOD-EIDR) of Proposed Alterations to Existing Wireless Communication Facility – 213 Fox Hill Street.

Attorneys Stephen Sobey & Ellen Freyman were present to represent Cellco Partnership doing business as Verizon Wireless for an application to install 3 additional antennas on the water tank at 213 Fox Hill Street in order to upgrade their equipment.

Questions from Board:

- Was a site visit done by ProTerra engineers? *Ms. Freyman: Unsure, but there is work being done there now.*
- There are assumptions that the structure is in good condition, have we done the in person assessments? *Ms. Freyman: This will be done subject to a building permit, there is an existing building permit for the work that is being done now. The Town will be doing inspections relative to the building permit.*
- How do we vote on the structural integrity when we don't have the information? *Ms. Loughnane: The building inspector will inspect the work according to the permit. The Building Inspector will not perform independent structural analysis. The Building Inspector will accept a written report from the engineer that confirmed the structural integrity of the tank.*
- Mr. Ames does not see a site visit and we have made recommendations. Are we making assumptions?
- Mr. Sobey, the assumptions? Mr. Ames, they are in the report. Did we visit the site? *Ms. Freyman: We can have a condition about visiting the site.*
- Mr. Giordano. When was the last time an inspection was done? *Ms. Freyman: Unsure. The work is being done now, it is anticipated 3 antennas will be added, this is an amendment of the original application.*

- Mr. Ames: So work is being done now? *Mr. Sobey: Yes. It is ongoing. Ms. Freyman: We can specify when a visit will be made to the site.*
- We have an engineer that says the structure is solid enough? *Ms. Loughnane: We have a structural report that the tank and mounting brackets can support these proposed antennas.*
- If it comes from where? *Mr. Sobey: Engineers at the ProTerra group.*
- The lease, a 5 years lease? Is there an updated lease? *Ms. Loughnane: It is valid through 2023.*
- FCC License submitted, I did not see Westwood included? *Ms. Freyman: It is a region that includes Westwood. What section?*
- We have existing antennas in Westwood. Requesting approval to add 3 additional antennas.
- We can add a condition that the license will include Westwood.
- Will be adding 2 additional conditions.

Ms. Loughnane displayed the requested waivers on the screen. Mr. Sobey noted that waiver request #23 is no longer needed because the required photo simulations have been provided.

Motion:

A motion was made by Ms. Wynne, and seconded by Ms. Rollings, to grant waiver requests #1-22 and #24-25 regarding non-applicable requirements of the Westwood Zoning Bylaw specified in the Waiver Request associated with the Application filed by Mollie Padden, on behalf of Cellco Partnership d/b/a Verizon Wireless, and recorded in the Office of the Town Clerk on April 20, 2022.

Discussion:

Safety waiver, any detrimental effects? Concerned as a structural assessment. (#8)
Can we make the waiver subject to the condition?

Amended Motion:

A motion was made by Ms. Wynne, and seconded by Mr. Giordano, to make a friendly amendment to remove waiver request #8 from Ms. Wynne's prior motion.

Further Discussion:

Ms. Wynne clarified that she was amending her earlier motion so that the Board might consider granting all requested waivers except for waiver requests #8 and #23.

Ms. Freyman: What is the Board looking for to satisfy the safety requirement.

Ms. Loughnane: The Safety assessment is described in the bylaw. The Applicant will be expected to update the safety assessment that was submitted in 2020. The Board is not comfortable with what was submitted with the application because there is no date of inspection.

Ms. Freyman & Jessie Marino of ProTerra: They will have an inspection and it will be submitted to the Town. Not at the stage yet, but it is part of the schedule.

Mr. Ames: Can you provide the original safety inspection that the evaluations are based on?

Ms. Freyman: We will provide it as a condition.

Mr. Marino: The date of inspection is dependent on the contractor and Verizon.

Mr. Ames: Did they do the original assessment and was it stamped? Is it follow up on prior work?

Ms. Freyman: It is a continuation of prior work, a modification of the original work done by ProTerra.

Action Taken:

The Planning Board voted in favor (5-0) via roll call vote to grant waiver requests #1-7, #9-22 and #24-25 regarding non-applicable requirements of the Westwood Zoning Bylaw specified in the Waiver Request associated with the Application filed by Mollie Padden, on behalf of Cellco Partnership d/b/a Verizon Wireless, and recorded in the Office of the Town Clerk on April 20, 2022.

Ms. Loughnane stated that the application is not a complete application without the Board's approval of waiver request #8. She asked the Board to either grant a waiver of #8 or continue the hearing to allow for submission of the materials to meet those requirements.

Board member Comments

- Who assesses the #8 Safety requirements? *Ms. Loughnane: The Town engineer. BETA, acting as Consulting Town Engineer, reported that they had no concerns with the application. If the Board feels it is necessary, it can order a full Peer Review of the Application, at the Applicant's expense, which could involve a peer analysis of the submitted structural engineer's report. The Board can then approve the application subject to a supplemental structural report, rather than waiting for the receipt of that report before considering the application.*

- How long does it take to get the updated supplementation? *Ms. Freyman: Would like to move forward in the process and we will work with the building inspector.*
- Will the structural report be stamped with someone with a license? *Mrs. Freyman: Yes.*

Motion:

Mr. Giordano made a motion, seconded by Mr. Ames, to allow consideration of the application, subject to supplementation of the structural safety report.

Discussion:

Ms. Loughnane noted that if Mr. Giordano's motion is approved, the Board would then need another motion to actually approve the application with conditions.

How soon will we have the report? *Ms. Freyman: Subject to the structural schedule, not sure when, but as quickly as possible. By the end of May.*

Ms. Loughnane read the Safety standard in Section 7.3.8.8 of the Zoning Bylaw:

7.3.8.8 Safety. *With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.*

She explained that Section 7.3.8.8 pertains to a general safety requirement for public safety (i.e.: fire safety, traffic safety, visibility, etc.) related to the project and does not specifically relate to the structural capability of the antenna supports.

Mr. Pfaff: The safety waiver referenced is not based on the structure itself.

Amended Motion:

Mr. Giordano amended his motion to allow consideration of the application, subject to supplementation of the structural safety report by the end of May. The amended motion was seconded by Mr. Ames.

Ms. Freyman requested reconsideration of the request for waiver of #8. She said that the structural report has already been produced and an inspection will be confirmed.

Mr. Ames and Mr. Giordano stated that they were satisfied with Ms. Freyman's response on the supplementation of the structural report and were then willing to consider a waiver of #8.

Action Taken:

Upon a motion made by Mr. Ames, and seconded by Ms. Rollings, to reconsider the previously approved motion to grant waiver requests #1-22 and #24-25 so as to also granted waiver request #8, and the Board voted in favor (5-0) via roll call vote to reconsider the approved motion.

Ms. Loughnane discussed the 6 proposed conditions, including 4 standard conditions and 2 added conditions:

1. An updated structural report shall be submitted confirming a recent engineer's inspection of the facility and confirmation of the structural condition of the water tank and its ability to support the proposed new antennas.
2. A certification shall be provided to confirm that the FCC licensing is up to date for this location.
3. The visual and aesthetic impact of all antennas, radio heads, mounting brackets and any other attachments shall be minimized to the fullest extent practical. The antennas and cabling shall be painted to match the color of the water tank and repainted as necessary.
4. The Planning Board shall be notified within thirty (30) days of any discontinuance of the wireless facility. All antennas, brackets, cable trays, and any other associated equipment shall be fully removed within six (6) months of abandonment or discontinuance of the use.
5. This WCOD-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 approved vertical construction activity.

6. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.
7. Certification that FCC license applies to the Westwood facility

Action Taken:

Upon a motion made by Mr. Wynne, and seconded by Mr. Ames, the Board voted in favor to grant waiver requests #1-22 and #24-25 so as to also granted waiver request #8, and the Board voted in favor (5-0) via roll call vote to grant waiver requests #1-22 and #24-25.

Upon a motion made by Ms. Wynne, and seconded by Mr. Ames, the Board voted in favor (5-0) via roll call vote to grant Wireless Communication Overlay District Environmental Impact & Design Review (WCOD-EIDR) Approval for the proposed alterations to the existing Wireless Communication Facility at 213 Fox Hill Street, subject to the 6 conditions that Ms. Loughnane read aloud.

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 close the public hearing.

Approval Not Required (ANR) Plan - 32 Autumn Drive, 35 Autumn Drive, 26 Autumn Drive:

Bob Shulmerdeen was present in place of John Glossa, the engineer for the project. He explained the proposal to swap portions of existing single-family house parcels among 3 parties.

Board Comments:

Swap to put a playground on plot 21A, is that correct? *Mr. Shulmerdeen: It is an interesting configuration to start with 21a and 19 are odd shaped. Original plan was cut too short on 21a; a play structure is already there. The retaining wall ends short of the play structure.*

Ms. Loughnane: They need to satisfy 2 conditions: frontage and confirm access to each property.

Action Taken:

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 endorse the ANR Plan involving three properties at 26, 32 & 35 Autumn Drive.

Subcommittee and Committee Liaison Appointments:

The Board selected representatives for various committee and subcommittee positions, for recommendation to the Select Board.

Metropolitan Area Planning Council (MAPC) Representative - Steve Olanoff will be recommended to continue as the representative, and Mr. Giordano will be recommended as alternate.

Housing Partnership Representative - Mr. Pfaff will be recommended as the representative and Ms. Wynne will be recommended as the alternate was recommended.

MBTA Advisory Board Designee - Mr. Olanoff will be recommended as the designee.

Regional Transportation Advisory Council Representative - Mr. Giordano will be recommended as the member and Ms. Rollings will be recommended as the alternate.

Three Rivers Inter-Local Council (TRIC) Representative - Mr. Ames will be recommended as the representative and Mr. Pfaff will be recommended as the alternate.

Pedestrian & Bicycle Safety Committee Liaison - Ms. Wynne will be recommended as the liaison.

Westwood Environmental Council (WEAC) Liaison - Ms. Rollings will be recommended as the liaison.

Action Taken:

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 recommend the committee appointments to the Select Board.

Review of Draft Meeting Minutes from April 25, 2022:

Upon a motion made by Ms. Rollings and seconded by Ms. Wynne, the Planning Board voted in favor (3-0-2) via roll call vote, with Joshua Ames and Philip Giordano abstaining, to approve the Meeting Minutes from April 25, 2022 as presented.

Schedule Dates for Upcoming Meetings:

The Board selected the following meeting dates for the remainder of 2022:

- June 7
- June 28
- July 12
- August 9
- September 6
- September 20
- October 18
- November 1
- November 15
- December 13

Ms. Loughnane will post these dates on the Town's website.

Updates from Agency and Committee Representatives:

Ms. Wynne reported that the Pedestrian Bike Safety Committee is looking for members.

General Miscellaneous Updates and Administrative Items:

- The Town is hiring a new Town Planner – John Charbonneau. He has 24 years of relevant Planning experience, most recently in Stoughton, and previously in Walpole and Wrentham. He will start in early June.
- Update on problems that a resident experienced with toll-free call-in telephone numbers at the April 12th and April 25th Planning Board meetings via Zoom: Tish Healey and Donna McClellan researched the matter and discovered a discrepancy in the electronic Zoom appointment scheduling application. This discrepancy has been rectified and both toll and toll free phone numbers have been successfully employed for more recent Zoom meetings.
- A notice of a complaint was filed by resident Nada Milosavljevic-Fabrizio with the Attorney General's Office on May 6, 2022 regarding the problem she experienced calling into the April 12th Planning Board meeting. The complaint will be addressed by Town Counsel.
- Mr. Pfaff Thanked Mr. Atkins and Mr. McCusker for their service on the Planning Board and is looking forward to working with the new board.

Adjournment:

Upon a motion made by Mr. Giordano and seconded by Ms. Wynne, the Planning Board voted in favor (5-0) via roll call vote to adjourn at 8:41pm.

List of Documents:

Link to Documents: http://westwoodtownma.igm2.com/Citizens/Detail_Meeting.aspx?ID=1700

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

<p>213 Fox Hill Street Public Hearing Notice, Westwood Planning Board, 5/5/2022, 1 page. Application, Town of Westwood, 3/30/2022, 5 pages. Site Plans, ProTerra, 8/6/2021, 4 pages. Antenna Specs, Verizon, 10/29/2021, 12 pages. Decision Fox Hill St-2020-11-17, Westwood Planning Board, 11/17/2021, 3 pages.</p>	<p>PDF</p>
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<p>Mount Analysis Report, Verizon, 8/2/2021, 21 pages. Property Owner Authorization, Westwood Planning Board, 3/21/2022, 1 page. Structural Analysis Report, Verizon, 8/3/2021, 40 pages. FCC Compliance, CenterLine Communications, 3/11/2022, 23 pages. FCC Licenses, Federal Communications Commission, 6/27/2002, 28 pages. Narrative, Cellco Partnership, 5 pages. Notice of Lease, 1/3/2000, 5 pages. Jurisdictional Report, Verizon, 5/16/2022, 14 pages. Photographs, ProTerra, 5/10/2022, 12 pages. Redacted Lease, 11 pages. Antenna Summary, Verizon, 10/29/2021, 12 pages.</p>	
<p>32 Autumn Drive ANR Plan, Glossa Engineering, 12/7/2021, 1 page. Property Owner Authorization, Westwood Planning board, 5/2/2022.</p>	PDF