

RECEIVED

By Town Clerk at 2:44 pm, Nov 30, 2022

**Westwood Planning Board Minutes
Tuesday August 9, 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 included an extension of the remote meeting provisions of his March 12, 2020, Executive Order thru July 15, 2022. Governor Baker signed a further extension of that order on July 15, 2022, running through March 31, 2023. The August 9, 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 7:00pm. 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 and Philip M. Giordano. Joshua C. Ames was absent. Staff members present: John Charbonneau, Town Planner, Nora Loughnane, Director of Community & Economic Development, Karon Skinner Catrone, Conservation Agent and Jessica Cole, who recorded the meeting minutes.

Public Hearing for Consideration of Scenic Road Approval for Removal of Dead or Dying Trees within the Public Right-of-Way along Canton Street, near 170 Canton Street.

Mr. Pfaff read the Notice of Public Hearing for the Public Right-of-Way in front of 170 Canton Street. Ms. Skinner Catrone was present to discuss a complaint that she received from Marissa Taranto, the owner of 170 Canton Street, who was present. Ms. Skinner Catrone explained that Ms. Taranto had originally expressed interest in trying to save the tree, so Ms. Skinner Catrone called an arborist to inspect the tree. She explained that the arborist said that the Town could try to only remove the limb rather than cut down the entire tree, but the tree might not survive and might eventually have to be fully removed. The arborist said the tree was old and in rough shape. Ms. Taranto was present to explain her concerns that the tree might fall on her property if just the limb is taken down. Ms. Taranto said that she would prefer to see the tree taken down now and asked that the Town have the stump removed. Ms. Skinner Catrone said that she discussed this with DPW representative and was told that the stump would be ground sometime after the tree was cut down.

Board Comments:

- The concern is that the tree is not healthy.
- The arborist recommends that the tree be taken down in July.
- The recommendation is to take the tree down.
- Who do we use as an arborist? *Ms. Skinner Catrone: Save a Tree came to see it.*
- The tree will be removed, but the stump will be ground at a later date.

Action Taken:

Mr. Giordano moved that the Planning Board grant Scenic Road Approval for the removal of the entire tree located in the Town Right-of-Way in front of the property known as 170 Canton Street, and thereafter grind down the remaining stump, pursuant to Mass. General Laws Chapter 40, Section 15C and the Town of Westwood's Rules and Regulations for Scenic Roads.

Ms. Wynne, seconded the motion.

Roll Call Vote:

Christopher A. Pfaff-Yes
Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Philip Giordano-Yes

Public Hearing for Consideration of Scenic Road Approval for Removal of Dead or Dying Trees within the Public Right-of-Way along Sandy Valley Road, near 461 Sandy Valley Road.

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Mr. Pfaff read the Notice of Public Hearing for the Right-of-Way.

Ms. Skinner Catrone was present, she received a complaint form a resident about the dead tree.

Board Comments:

- Will the stump be ground? *Ms. Skinner Catrone will follow up with DPW, she was unsure.*
- Was it 461 who called? *No, the resident across the street.*
- Ms. Wynne requested that the residents be asked if they want the stump grinded.

Action Taken:

Mr. Giordano moved that the Planning Board grant Scenic Road Approval for the removal of the hazardous tree and future grinding of the remaining stump to be determined by the Conservation Agent located in the Town Right-of-Way in front of the property known as 461 Sandy Valley Road pursuant to Mass. General Laws Chapter 40, Section 15C and the Town of Westwood's Rules and Regulations for Scenic Roads.

Ms. Wynne, seconded the motion.

Roll Call Vote:

Christopher A. Pfaff-Yes

Ellen Larkin Rollings-Yes

Kathleen Wynne-Yes

Philip Giordano-Yes

Continuation of Public Hearing for Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) of Proposed In-Ground Pool and Site Redevelopment – 122 Wilsendale Street (continued from 7/12/22).

– Discussion of an increase in exported material and seeking permission to begin excavation.

Mr. Charbonneau summarized the background of the Earth Material Movement Environmental Impact & Design Review. The applicant had to provide a revised infiltration system plan to BETA and the Conservation Agent and as a result of the revision, the engineer of the project estimates that the amount of exported imported material will increase by 100 cubic yards.

Mr. Karl Jackson, Campbell Design, landscape designer, was present, to report on changes in the plan. He explained that BETA and the Town's Conservation Agent looked at the original plan for the infiltration system and requested for verification that drainage from the roof of the existing house was being directed to an existing system. He discovered that this was not the case and redesigned the stormwater management plan and realized that the new design will require removal of 100 additional cubic yards of earth material.

Ms. Skinner Catrone and BETA received the revised plans and drainage calculations and the Administrative Land Disturbance Approval was issued.

Board Comments:

- Any other outstanding issues with this project? *Ms. Skinner Catrone: No.*

Action Taken:

Mr. Giordano moved that the Planning Board approve the revised Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) decision dated August 9, 2022 pursuant to the revised drainage plan dated August 8, 2022 with all waivers requested and conditions of approval dated June 7, 2022.

Ms. Wynne, seconded the motion.

Roll Call Vote:

Christopher A. Pfaff-Yes

Ellen Larkin Rollings-Yes

Kathleen Wynne-Yes

Philip Giordano-Yes

Ms. Rollings moved that the Planning Board close the Public Hearing for Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) of Proposed In-Ground Pool and Site Redevelopment – 122 Wilsendale Street.

Ms. Wynne, seconded the motion.

Roll Call Vote:

Christopher A. Pfaff-Yes

Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Philip Giordano-Yes

Continuation of Public Hearing for Environmental Impact & Design Review (EIDR) of Proposed Gas Station/Convenience Store Redevelopment – 394 & 396 Providence Highway (continued from 7/12/22).

Mr. Charbonneau explained that the intention of the discussion tonight is to review DiPrete Engineering's responses to BETA's comments.

Attorney Michael Brown was present to discuss the progress and concerns of outstanding issues from the peer review comments by BETA. Mr. Brown had a list of Special Permit items, the uses for:

Motor Vehicle Light Service
Drive-through
Signage

His biggest issue is the canopy and wants to know how to proceed.

Ms. Loughnane stated that it was discussed with the Building Commissioner who did not see a front setback issue with the canopy and would recommend in favor of a Special Permit for alteration of a pre-existing nonconforming structure, if such was determined to be needed. Ms. Loughnane confirmed that no variance would be needed for the proposed canopy. She noted that it will be a new replacement structure, rather than a new non-conforming structure.

Gregg Burnett from DiPrete Engineering summarized their concerns with various comments from BETA as follows:

4. Review limit of work at northern limit of Site. A proposed driveway that would be an improvement.

Ms. Loughnane: This would require a license from the Select Board.

5. Provide information on anticipated noise levels meeting the requirements, he feels it is not necessary to do a noise study. It will be the same noise level, not an impact to abutters or neighbors. Mr. Burnett would like a waiver from this requirement.

10. Provide a presentation model. It was a waiver request on the original application.

Mr. Burnett skipped through the Traffic Impact comments because the Traffic Engineer was not present to discuss them.

6. Provide a sight distance evaluation for the Site Driveways. A waiver will be requested from this requirement.

7. Assess the adequacy of vehicle queuing storage at points of ingress/egress.

Mr. Burnett is looking for a waiver of the distance between the Walper Street curb cut and the intersection with Providence Highway. He asked for the Board's feedback.

He discussed the traffic pattern and where the Board wants to see the curb cut.

Comments:

Is there signage? *Yes, there will be directional signage installed on the site for safety.*

Ms. Loughnane: The Zoning Bylaw does not appear to give the Planning Board the authority to waive this requirement. As such it would require a variance from the ZBA. Mr. Burnett: Not sure if it is a waiver or a variance.

Ms. Loughnane: Believed that DiPrete Engineering was referring to Zoning Bylaw section 6.1.2.5. The Planning Board has no right to waive and the applicant would need to go to the ZBA. The Board could approve the plan, subject to a condition that a variance is obtained from the ZBA, but the ZBA is unlikely to grant a variance for the creation of a new driveway if the applicant has the ability to construct a driveway in a location that complies with the bylaw requirement.

8. Traffic Assessment did not outline any proposed monetary contribution for the off-site improvements and mitigation.

Comments:

Mr. Paradis, BETA: It is a typical comment on all commercial projects that will impact traffic. Traffic conditions are not major, will be up to the discretion of the Board. No necessity for financial mitigation.

21. Revise parking layout such that northern parking spaces are not within 5 feet of the side lot line. Have 15 required parking spots.

22. Revise aisle width at the proposed parking area to be no less than 24 feet.

The plans were revised to provide the required 24-foot back-up space for the parking spaces in front of the building, but this required a reduction in the width of the travel lane between the fuel dispensers and Providence Highway to

only 20 feet. Will need a waiver for the front drive aisle to be only 20 feet, as there is not enough room on the site to widen this drive aisle. The design is an improvement and is safer.

Comments:

Mr. Paradis: Thinks it will work, most activity will occur between the building and the canopy.

Is the canopy a standard size? *Yes, maybe narrow, but standard.*

20 feet from where? *The concrete pad.*

Will the 20 - foot lane be one way? *No, both will be 2 - way.*

DiPrete Engineering will implement signage to direct motorists.

Why not make it 1 - way? Concerns? *Prefer to make it a 2 - way. 20 feet still room for 2 cars to pass.*

23. Revise pavement cross section at parking areas to include a minimum 3" thick binder course and 2" thick top course. Would like a waiver.

Comments:

Mr. Paradis: Agree with the assessment to use concrete, it is a better surface.

Landscape:

1. Provide Required 5' wide landscape area along each side of the building that has a public access point. Such areas must include trees and shrubs. Asking for a waiver because the site is small and there is no room.

Comments:

How wide is the sidewalk? *It is 6.5'.*

The bump out? *18 inches.*

Maybe an opportunity for potted plants. There needs to be a planting area according to our bylaws. It will soften up the hardscape.

Please explore options and present next time.

Site lighting, looking for relief. Similar to the station across the highway. Bright lights under the canopy and looking for relief. Backed up to wetlands and not residence.

Hours of operation? Store and pumps? *Having the gas station open 24 hours is the preference, but unsure about the drive-thru. Ms. Loughnane: No gas station may operate in Westwood after 10pm in accordance with the Town's general bylaws. Pumps can only operate until 10pm but the convenience store might be allowed to stay open until midnight.*

Stormwater Management:

Understand BETA's concerns. Were able to redesign the storm water to remove the porous concrete. They will have a prototypical stormwater collection system with catch basins, draymond holes, grease oil water separators to pick up the back drywell.

Will need relief on velocity of the pipes for storm water cover over the pipes. It will be all captured and is a significant improvement from the current conditions.

Comments:

Mr. Paradis: Would be amenable, but will need to review it.

Is there an Operation Maintenance Plan for this site? *Mr. Burnett: Yes, one was submitted, and it will be resubmitted at the next submission.*

Final Comments:

Anything that needs attention that we missed? *Mr. Paradis: A lot of comments are technical or administrative and we did discuss the major issues and the Board's guidance is what the applicant was looking for.*

Would like to speak to DiPrete Engineering's Traffic Engineer at the next meeting.

Any concerns from the Conservation Commission? *Mr. Burnett: Not yet, not but will be continuing with them.*

Public Comments:

Ms. Fusco, 20 Pine Lane: Will the Planning Board be requiring the installation of roof-mounted solar panels? If the Town's push in the past / future is looking at solar Farms with taking down forestry, why would we not be looking towards commercial to do their share on solar rooftops? *Mr. Brown: Not part of the design, not done in the past, but can look further into it.*

Ms. Wynne mentioned that she doesn't believe that the Board can mandate the installation of solar panels; however, it is worth discussing the possibility of establishing incentives for developers.

Action Taken:

Ms. Rollings moved that the Planning Board continue the Public Hearing for Environmental Impact & Design Review (EIDR) of Proposed Gas Station/Convenience Store Redevelopment – 394 & 396 Providence Highway to

September 6, 2022 at 7pm via Zoom.
Mr. Giordano, seconded the motion.

Roll Call Vote:
Christopher A. Pfaff-Yes
Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Philip Giordano-Yes

Consideration of Proposed Minor Modification of Environmental Impact & Design Review Approval for Reduction of Required Landscaping – 200 University Avenue.

Applicant Jennifer Luoni summarized the changes in the Landscape Plan. She is trying to reduce the cost of the project to stay within their budget. Mr. Charbonneau explained that Ms. Luoni's request is for the removal of a total of 55 plants from the approved landscape plan. Mr. Charbonneau identified the plants that would remain. Existing trees will remain. Just asking for relief and wanting to replace it with grass.

Board Comments:

- Landscaping is an important part of University Avenue.
- Is there irrigation? *Ms. Luoni: No.*
- Mr. Charbonneau has concerns with grass being able to thrive in such a difficult environment.
- Sympathetic to the cost, and concerned about impacts on the watershed area. Concerns with runoff, is there room for compromise?
- Waiver for the \$250 application fee. Will grant a fee waiver, but not the modification.
- Determine if this is a minor or major plan for the landscaping requirements.

Action Taken:

Mr. Giordano moved that the Planning Board deemed the Consideration of Proposed Minor Modification of Environmental Impact & Design Review Approval for Reduction of Required Landscaping – 200 University Avenue is a minor modification.

Ms. Wynne, seconded the motion.

Roll Call Vote:
Christopher A. Pfaff-Yes
Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Philip Giordano-Yes

Ms. Wynne moved that the Planning Board deny the request of Proposed Minor Modification of Environmental Impact & Design Review Approval for Reduction of Required Landscaping – 200 University Avenue.
Mr. Giordano, seconded the motion.

Roll Call Vote:
Christopher A. Pfaff-Yes
Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Philip Giordano-Yes

Ms. Rollings moved that the Planning Board reduce the application fee to \$100 for the Proposed Minor Modification of Environmental Impact & Design Review Approval for Reduction of Required Landscaping – 200 University Avenue.
Mr. Giordano, second the motion.

Discussion:

Ms. Wynne asked for a 50% reduction in the fee from \$250 to \$125.

Ms. Rollings made the friendly amendment to change her motion from \$100 to \$125.

Roll Call Vote:
Christopher A. Pfaff-Yes
Ellen Larkin Rollings-Yes

Kathleen Wynne-Yes
Philip Giordano-Yes

Continued Discussion of Potential Zoning Amendments and Potential Revisions to Planning Board Rules and Regulations – The Board will discuss any potential Zoning Amendments that Board members wish to pursue in 2022/23, including without limitation, Housekeeping Amendments and amendments related to Section 18 of Chapter 258 of the Acts of 2020 adding new Section 3a to Chapter 40A (the Zoning Act) of Mass. General Laws applicable to multi-family zoning by-right in MBTA communities. Potential revisions to Rules and Regulations may include, without limitation, procedural updates, elimination of requirements for the submission of paper documents, changes to required submittal items, revisions to amounts and categories of application fees, and any other revisions which Board members wish to consider. The Board will provide direction to the Town Planner for the drafting of any proposed Bylaws and/or Rules and Regulations for consideration at future public hearings.

Mr. Charbonneau gave an update. He and Ms. Loughnane have drafted some amendments to the Subdivision Rules and Regulations and the Rules and Regulations on EIDRs and Special Permits. He has also proposed some changes based on notes left by Ms. McCabe, and to update the submission requirements because we have the online portal and no longer receive paper copies. Next item to look at are the Scenic Road Bylaws.

Comments:

Rules and Regulations will require a Public Hearing.
Add Comprehensive Plan to our next meeting agenda.
Incentivize Solar.
Can we do something with waivers?
Could add Solar as a standard.

Review of Draft Meeting Minutes from July 12, 2022:

Upon a motion made by Ms. Wynne and seconded by Ms. Rollings, the Planning Board voted in favor (4-0) via roll call vote to accept the meeting minutes from July 12, 2022 as presented.

Adjournment:

Upon a motion made by Ms. Wynne and seconded by Mr. Giordano, the Planning Board voted in favor (4-0) via roll call vote to adjourn at 9:35pm.

List of Documents:

Link to Documents: http://westwoodtownma.igmp.com/Citizens/Detail_Meeting.aspx?ID=1722

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

<p>170 Canton Street Hearing Notice 170 Canton St-Revised, Westwood Planning Board, 7/18/2022, 2 pages. Hearing Notice 170 Canton Street, Westwood Planning Board, 7/15/2022, 1 page. Conservation Agent Memo, Conservation Division, 6/23/2022, 1 page. Location of Tree, 1 page. Locus Map, 6/23/2022, 1 page. Photo of Notice, 7/8/2022, 1 page. 170 Canton Street Photos, 1 page.</p>	PDF
<p>461 Sandy Valley Road Hearing Notice 461 Sandy Valley -Revised, Westwood Planning Board, 7/18/2022, 2 pages. Hearing Notice 461 Sandy Valley Road (Scenic Road), Westwood Planning Board, 7/15/2022, 1 page Conservation Agent Memo, Conservation Division, 6/23/2022, 1 page 461 Sandy Valley Road-Photographs, 1 page. Location of Tree, 1 page. Locus Map, 1 page. Image of Notice, 1 page.</p>	PDF

<p>122 Wilsondale Street</p> <p>Legal Notice, Westwood Planning board, 5/11/2022, 1 pages. BETA Review Comments 7-8-2022, BETA, 7/8/2022, 2 pages. Waiver Request, Alison Campbell Design, 5/2/2022, 1 page. Existing Conditions Photographs, May 2022, 2 pages. Landscape Planting Plan revised 7-5-2022, Alison Campbell Design, 7/5/2022, 1 page. Erosion Control Plan 7-7-22, Alison Campbell Design, 7/7/2022, 1 page. Drainage Plan with calculations 6-23-22, Samiotes Consultants Inc., 6/23/2022, 3 pages. Drainage Plan-BETA markup, Samiotes Consultants Inc., 6/23/2022, 3 pages. Retaining Wall Detail, Alison Campbell Design, 1 page. Trucking Map, 1 page. Existing Site Plan, O'Driscoll Land Surveying, 10/16/2020, 1 page. Grading Plan, Alison Campbell Design, 1/12/2022, 1 page. Landscape Plan, Alison Campbell Design, 1/4/2022, 1 page. Project Description, Alison Campbell Design, 5/2/2022, 1 page. Storm Water Drainage Report, Alison Campbell Design, 5/2/2022, 2 pages. Decision-Wilsondale Street 122 EMM EIDR, Westwood Planning board, 6/23/2022, 6 pages. Staff comments-122 Wilsondale, 1 page. 122 Wilsondale Email, from: K. Jackson, 8/29/2022, 1 page. Revised Drainage Plan, Samiotes Consultants Inc., 8/8/2022, 3 pages.</p>	PDF
<p>394-396 Providence Highway</p> <p>Property Owner Authorization Colbea, Westwood Planning Board, 5/5/2022. 1 page. Property Owner Authorization McDonough, Westwood Planning Board, 5/5/2022. 1 page. Site Plans, DiPrete Engineering, 5/4/2022, 22 pages. Stormwater Drainage Report, DiPrete Engineering, 5/4/2022, 80 pages. Traffic Impact Study, Colbea Enterprises, LLC, May 2022, 249 pages. Project Description, Adler Pollock & Sheehan P.C., 5/5/2022, 9 pages. Presentation Model Waiver Request, Adler Pollock & Sheehan P.C., 5/5/2022, 1 page. Drawings-Renderings, Harrison French & Associates, Ltd., 4/18/2022, 3 pages. Photos, 6 pages. Other Signage, DiPrete Engineering, 5/4/2022, 11 pages. Exterior Lighting Plan, 1 page. Legal Notice 394 Providence Highway, Westwood Planning Board, 5/11/2022, 1 page. BETA Peer Review, From: BETA, 7/7/2022, 18 pages. DiPrete Engineering Comments 8-05-2022, 8/5/2022, 15 pages.</p>	PDF
<p>200 University Station</p> <p>Landscaping Revisions Description, DACON, 6/14/2022, 1 page. Landscape Deductions, Ray Dunetz Landscape, 1/22/2019, 1 page. Previously Approved Plan, Ray Dunetz Landscape, 1/22/2019, 1 page. Waiver Request, DACON, 7/11/2022, 1 page.</p>	PDF