

**Planning Board Meeting Minutes**  
**(Planning Board Attendance at Finance and Warrant Commission's Meeting)**  
**Wednesday, March 1, 2023**  
**Library, Community Meeting Room**  
**660 High Street -6:00 PM**  
**Westwood, MA 02090**

The Planning Board attended the Finance and Warrant Commission's public hearing on Annual Town Meeting Warrant Articles to participate in the discussion and presentation of annual town meeting warrant articles.

**Planning Board members present:** Christopher A. Pfaff, Philip M. Giordano and Kathleen Wynne.

**Staff members present:** Nora Loughnane, Community & Economic Development Director, Pat Ahearn, Town Counsel and Jessica Cole, who recorded the meeting minutes remotely.

**Planning Board Articles**

PRESENTER(S): Nora Loughnane, Director of Community & Economic Development, Christopher Pfaff, Planning Board Chair.

**Planning Board Warrant Articles**

Ms. Wynne had not yet arrived, so there was not a quorum. Ms. Loughnane began her presentation of the PowerPoint Presentation and said that Ch. Pfaff would call the meeting to order once Ms. Wynne arrived.

**Planning Board Article 1: Amendments to Zoning Bylaw Related to Earth Material Movement (EMM)**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Earth Material Movement by amending Section 4.1.6 [Principal Use Table - Industrial Uses], Section 4.3.2 [Accessory Use Table - Accessory Uses in All Districts], and Section 7.1 [Earth Material Movement (EMM)], or take any other action in relation thereto.

This bylaw proposes amendments to the Zoning Bylaw related to Earth Material Movement. Applicants are currently required to obtain Earth Material Movement Environmental Impact & Design Review (EMM-EIDR) Approval from the Planning Board following a public hearing. The Planning Board wants to change it to only require an Administrative EMM-EIDR Approval. The Planning Board has been inundated with Earth Material Movement applications which primarily involve the Planning Board's regulates of the transportation route used by trucks carry material to or from a project site. The Town now has a Stormwater Management Bylaw that we did not have when EMM was first established, and that bylaw requires review of all of these same projects by the Conservation Agent or the Conservation Commission. The proposed warrant article proposes replacement of the words "Planning Board" with "Town Planner", and replacement of the term "EMM-EDIR Approval" with "Administrative EMM Approval" throughout the Earth Material Movement section of the bylaw. Amendments are proposed to Sections 4.1.6, 4.3.2 and 7.1.

Comments:

- All the discussions and conditions with the Applicant and the Town Planner would be the same.
- It frees up the Planning Board and is less expensive for the property owner.
- Whenever we try to prohibit a use we run into problems. Is it an issue to prohibit gravel pits? *Mr. Ahearn is not concerned about it.*

**Planning Board Call to Order:**

Mr. Pfaff called the meeting to order with a quorum at 7:15pm.

**Planning Board Article 2: Amendments to Zoning Bylaw Related to Sustainability**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to sustainability by amending Section 6.1 [Off-Street Parking] and Section 7.3 [Environmental Impact & Design Review (EIDR)], or take any other action in relation thereto.

Ms. Loughnane stated that these are amendments to 2 sections of the bylaw section - Sections 6.1 and 7.3. She explained that the proposed amendments to Section 6.1 Off Street Parking would a new Section 6.1.23 Motor Vehicle Charging Stations to require 1 charging station for every 25 parking spaces in parking lots for which an EIDR Approval or Special Permit is needed. She noted that this would be applicable to municipal parking lots

Ms. Loughnane explained proposed amendments to Section 7.3.8 Environmental Impact and Design Standards which would replace the current section 7.3.8.11 titled "Energy Efficiency" with a new Section 7.3.8.11 titled "Sustainability", which would include subsections addressing: Energy Conscious Design, Energy Efficiency, Renewable Energy, and Water Efficiency. Ms. Loughnane said that the proposed changes would require applicants to provide an analysis of greenhouse gas impacts and demonstration of sustainable practices. She explained that applicants would also be required to preserve existing grading & natural land features, minimize soil removal and grade changes, maintain trees greater than 5" in caliper, relocate or replace trees, where necessary, with native species, and remove noxious invasive vines and plant materials.

Comments:

- What constitutes a new parking lot? *Not merely repaving or restriping. These provisions would apply to new parking lots and to parking lots that are expanded or altered in a manner that requires Planning Board approval.*
- Tree maintenance, new proposal to maintain trees greater than 5" in caliber. What is the current requirement? *There is not a current size requirement in the Zoning Bylaw. Applicants are simply encouraged to show existing trees and the Conservation Commission has guidelines for the inclusion of trees on plans that will be reviewed by that board. The 5" requirement was a compromise between members who suggested 4" and others who suggested 6". The idea to identify significant sized trees so that a project can be designed in a manner to save as many of these larger trees as possible.*
- Clarify the cutting down of trees? Does a homeowner have to ask permission to cut trees in their yard? *This is part of the EIDR Section of the Zoning Bylaw and only applies to non-residential and multi-family properties.*
- Parking lot charging stations. Does this provision apply to Town Property too? Who pays for the electricity? *It would apply to any project which requires EIDR or Special Permit, including projects on municipal properties. The applicant or property owner would pay for the purchase and installation of the charging stations, and for the electricity used for charging vehicles. Currently Eversource has a program to provide grants for Charging Stations. The Town is taking advantage of Eversource grants to install eight new charging stations on Town property, which will bring the total to 12 charging stations. The Town is currently paying the electricity costs for the use of these charging stations.*
- What is the cost to the Town for the electrical charging stations? *Ms. Loughnane did not know but said she would look into it.*
- Will the new elementary school have charging stations? *Yes, but that project has already received EIDR Approval, so these proposed amendments will not apply.*
- Regulations around wind turbines? *Whatever is proposed would need to be approved by the Planning Board through the EIDR process.*
- Charging stations, look to see current and projected costs. Can the Town can afford to pay for electricity for residents' electric vehicles. *That is a question for the Select Board and Town Administrator, not the Planning Board.*
- Does the Planning Board have guidance regarding review and replacement of trees/plantings for the first three growing seasons, similar to the Conservation Commission requirements? *The Planning Board requires that plantings be replaced in perpetuity if they die.*
- Do property owners have to allow the use of charging stations without fees? *Property owners or applicants can establish fees for the use of charging stations.*
- Is there any limit to the fees that can be charged? *The Planning Board could impose reasonable limits either in decision conditions or within the proposed Bylaw amendments.*
- Looking for utilization of the EV stations. *Ms. Loughnane will see if that information is available.*

**Planning Board Article 3: Amendments to Zoning Bylaw Related to Dumpsters**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Dumpsters by amending Section 6.3.5 [Uses requiring Screening] and Section 6.3.6 [Screening Standards], or take any other action in relation thereto.

Ms. Loughnane stated that this article proposed revisions to Section 6.3.5 and 6.3.6 to clarify that dumpster screening requirements apply to all dumpsters on non-residential and multi-family properties. She said that all dumpsters on properties that go the through EIDR Approval process would have to bring their dumpsters into compliance. Ms. Loughnane explained that dumpsters would have to be fully screened from view by gated solid enclosures, have an impermeable lid or cover integral to the dumpster, and be located on an impervious surface. She said that gates would have to be closed and fastened except during active filling or emptying of the dumpsters.

Comments:

- Would the town consider retrofitting the existing dumpsters on school properties? *That is up to the School Committee.*

#### **Planning Board Article 4: Housekeeping Amendments to Zoning Bylaw**

To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and/or the Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections, or take any other action in relation thereto.

Ms. Loughnane stated that there are 12 areas where errors or inconsistencies have been found in the Zoning Bylaw. She explained the various portions of the propose Housekeeping article that would remove references to the previously deleted Senior Residential Development bylaw section, correct typographical errors, correct alphabetical and sequential ordering, and repeat language in Section 4.1.1 pertaining to lots lying partly within another abutting municipality in a new Section 3.6.

#### Comments:

- None

#### **Planning Board Article 5: Amendments to General Bylaws Related to Dumpsters**

To see if the Town will vote to approve certain amendments to the Town of Westwood General Bylaw related to Dumpsters by amending Chapter 321 [Retail Stores and Food Establishments] and Chapter 342 [Solid Waste], or take any other action in relation thereto.

Ms. Loughnane stated that this article would add dumpster provisions to the General Bylaw, which would apply to non-residential and multi-family residential properties. She noted that it tracks closely to the proposed Zoning Bylaw dumpster requirements and also imposes maintenance requirements and reasonable time limits on loading and unloading dumpsters. She noted that the General Bylaws already restrict the timing of unloading dumpsters at retail and restaurant properties, but the proposed changes would apply time restrictions to all non-residential and multi-family residential dumpsters.

Ms. Loughnane said that the current time restrictions in Chapter 321-1 would be removed, and that section would point to requirements in new Chapters 342-2 thru 342-5. She noted that the proposed amendments would also add fines of \$100 per offense for violation of the General Bylaw dumpster requirements.

#### Comments:

- Who will have to pay the penalties? *Whoever is doing the illegal activities. If the illegal activity is emptying a dumpster outside of permitted hours, the company emptying the dumpster would receive a fine.*
- Are these for temporary construction dumpsters? *No. The proposed General Bylaw requirements would apply to permanent dumpsters. Temporary Construction Dumpsters would continue to be regulated through the Building Permit process as well as by the Board of Health Regulations.*
- Hours of loading, is filling the dumpster. Can these be waived. *Yes. The Select Board would have the authority to waiver any requirements of the General Bylaw provisions related to dumpsters where it found a waiver to be warranted.*
- A member asked about the MBTA Community bylaw. Where do we stand? *Ms. Loughnane: The MUMFROD bylaw was adopted by Town Meeting voters and approved by the Attorney General's office, and is now effective. She stated that the most recent action was the filing of an MBTA Community Action Plan with the state, and she said she would be happy to provide copies of the Action Plan to Finance & Warrant Commission members if they are interested.*
- Does the State come back to see if we are in compliance? *We are waiting to hear from the state following the review of Westwood's Action Plan, but it is the Town's position that we have adopted a by-right multi-family district of reasonable size and are in compliance with the letter and spirit of the law.*

#### Action Taken:

On a motion made by Ms. Wynne and seconded by Mr. Giordano, the Planning Board voted in favor (3-0) to continue the public hearing to the Planning Board's next virtual meeting on Tuesday, March 7, 2023 at 7:00 pm, which will be held via Zoom, with the Zoom link and call-in information available on the Calendar page of the Town's website.

#### **Adjournment**

Upon a motion made by Mr. Giordano and seconded by Ms. Wynne, the Planning Board voted in favor (3-0) to adjourn at approximately 7:55pm.