

Westwood Planning Board Minutes
Tuesday December 13, 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 December 13, 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 7:03pm. 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, Joshua C. Ames and Philip M. Giordano. Staff members present: Nora Loughnane, Director of Community & Economic Development, Pat Ahearn, Town Counsel and Jessica Cole, who recorded the meeting minutes.

Consideration of Proposed Minor Modifications to Environmental Impact & Design Review (EIDR) Approval for Hanlon-Deerfield Elementary School Project affecting Landscape and Utilities Plans– 790 Gay Street.

Roberto Fitzgerald, Dore & Whittier Architects, was present to discuss the revised landscape plan for restoration of the trees that were accidentally removed at the fire access lane. He reviewed the plan with the Conservation Commission and the Tree Warden. He shared the final plan with the Planning Board. Mr. Fitzgerald was asked at an earlier meeting not to use 1 caliper tree and to instead use fewer trees and increase to a minimum of 2 inch caliper trees. He will use a mix of Red Oak and White Pine. There will be approximately 115 trees, and he showed the planting layout.

Board Comments:

When was the plan approved? *Ms. Loughnane stated that the Conservation Commission approved the plan on December 1, 2022.*

Public Comments:

Joe Previtera. Wanted to walk through the plan that the Conservation Commission approved. 20 Red Oak, 25 Red Oak 2"dbh, 35 Red Oak #7, 15 White Pine, 25 White Pine 6-7, 20 White Pine 4"-Total of 140 trees. Mr. Previtera wanted to reconcile the totals. *Mr. Fitzgerald: That was the original plan, but 1" caliper trees were not wanted, so they reconciled with a minimum of 2" caliper trees. Trees were reduced from 140 to 115 to have bigger trees. The plan was reviewed at the last Conservation Commission. Ms. Loughnane shared the Revised Plan from November 8, 2022 that was signed by the Conservation Agent and was approved by the Conservation Commission.*

Board Comments:

What is the status of replacement if they die? *Ms. Loughnane: Conservation Commission has a 2 year window. The Planning Board requires plantings associated with the project forever. These plantings are different because they are in a natural area not a landscaped area. It is Town property so if the trees die, the Town is responsible. The contractor is replacing the trees under the contract with the Town. The contract is being managed by the Permanent Building Committee.*

Ms. Loughnane: The Permanent Building Committee will determine at what point the contractor is no longer responsible for the trees and the Town is. The Conservation Commission will look at the plants for 2 years to make sure that they survive. If they do not, they will contact the Town and ask them to be replaced. The Permanent Building Committee will then contact the contractor to replace them.

Action Taken:

Ms. Wynne moved that the Planning Board grant the proposed landscape modification to the Limited Environmental Impact and Design Review (EIDR) approval for the Hanlon Deerfield Elementary School Project as described in the application therefore submitted to the Planning Board and filed in the office of the Town Clerk on September 15, 2022, subject to the following conditions:

1. Except as modified by the conditions and findings hereof, the project shall comply with the project plans and with the conditions of all prior approvals in all respects and the applicant shall pursue completion of the project with reasonable diligence necessary and continuity.
2. If the project or any condition imposed in this decision requires permit license or other approval from any board or commission including the Westwood Conservation Commission, Westwood Zoning Board of Appeals, Westwood Select Board or any agency of the Town of Westwood or any other regulatory agency of the Commonwealth of the federal government, the applicant shall make an appropriate application for the same. If any condition of such permit, license or other approval from any other board, committee or agency is inconsistent with this decision the applicant shall make application to the Planning Board for an amendment of this Decision and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A §9 and all applicable Planning Board rules and regulations.
3. The Applicant shall submit a final revised plan set including civil site plans and architectural design plans revised to incorporate all approved modifications in PDF format. Said plans set shall be submitted to the Town Planner for the Planning Board's file.
4. All landscaping approved herein shall be installed between April 15 and June 15, 2023. Any plantings that do not survive shall be replaced in kind in perpetuity.
5. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

Mr. Ames second the motion.

Roll Call Vote:

Ellen Larkin Rollings-Yes
 Kathleen Wynne-Yes
 Joshua C. Ames-Yes
 Philip M. Giordano-Yes
 Christopher A. Pfaff-Yes

Continuation of Public Hearing for Consideration of Flexible Multiple Use Overlay District (FMUOD) Special Permit Application for 24M Lithium Ion Research & Development Facility – 26 Dartmouth Street (continued from 11/15/22) – The Applicant has requested a further continuation of this public hearing to the Planning Board's remote meeting on January 3, 2023 at 7:00 pm-Revision 12/9/2022.

Action Taken:

Mr. Ames moved that the Planning Board continue the public hearing for the Flexible Multiple Use Overlay District 1 (FMUOD1) Special Permit Application for a 24M Lithium Ion Battery Research & Development Facility at 26 Dartmouth Street to Tuesday, January 3, 2022, at 7:00 pm via Zoom, where a Zoom link and associated call in numbers will be provided on Town's calendar on the homepage at: <https://www.townhall.westwood.ma.us/>.

Mr. Giordano second the motion.

Roll Call Vote:

Ellen Larkin Rollings-Yes
 Kathleen Wynne-Yes
 Joshua C. Ames-Yes
 Philip M. Giordano-Yes
 Christopher A. Pfaff-Yes

Discussion of Potential Zoning Bylaw and General Bylaw Amendments – The Board will discuss any potential Zoning Bylaw Amendments and General Bylaw Amendments that Board members wish to pursue in 2023, including the following:

Potential Amendments to Zoning Bylaw Section 7. 1 – Earth Material Movement Environmental Impact & Design Review (EMM-EIDR)

The Planning Board discussed potential Zoning and General Bylaw Amendments That the Planning Board may be presenting to the Select Board.

Ms Loughnane had some draft articles and went through them with the Planning Board.

Remove Earth material Movement from a Planning Board EIDR approval and make it an Administrative EIDR approval. It would go directly to the Town Planner. Nothing changes except there will be no hearing. It will change the process to an Administrative Review, but would still need to go to the Conservation Commission for Stormwater management. Conditions are the same, requirements are the same.

Board Comments:

Currently what is the appeal process if they come to the Planning Board and they disagree with our conditions?

Ms. Loughnane: They can appeal the Planning board decision to the Zoning Board of Appeals or they can appeal the decision to Superior Court.

The Town Planner will still have the same amount of work, the steps are the same and a little less work.

What is the effective date? *Ms. Loughnane: The change will not take place until the Town approves and the Attorney General approves it.*

Proposed article on Sustainability Amendments.

- Motor Vehicle Charging stations
- Changes to the Environmental Impact and Design Standards.
- Energy Conscious Design
- Water Efficiency
- Renewable Energy

Potential Amendments to Zoning Bylaw Section 7.3 – Environmental Impact & Design Review (EIDR)

- Submittal Requirements for an EIDR review that requires showing trees on the plans. Adding to show the location, type, size and dimension of all existing trees 6 inches caliper or greater.
- Waiving the model, it will only be required if the Planning Board asks for it. There will no longer be a need to waive it.
- Preservation of Landscape.

Potential Amendments to General Bylaws to add a new Tree Preservation Bylaw

Board Comments:

Do we want the language of invasive vs non-invasive species? *Ms. Loughnane: Removal of offensive invasive species. Add specifics of what we want to see removed.*

Could the Planning Board require showing every tree on the lot on a plan?

Are we consistent with the Conservation Commission, the caliper size? *Ms. Loughnane will follow up with the Conservation Commission. Go with the smaller caliper.*

Is it in the Planning Board's purview to require native species? *Ms. Loughnane: In commercial non-residential or multi-family residential areas. Can add all new plantings must be native species in new site review plans.*

Add a five inch caliper. Can always waive up to 6 inches.

Try to encourage our non-residential development to incorporate sustainability. Larger projects are using more energy.

Water efficiency: Require rainwater reclamation. Reasonable efforts.

Bicycle parking requirements? *Ms. Loughnane: The requirement for plans showing Bicycle parking is in Section 6.1 and also covered by the Planning Board's regulations in its "Bicycle Parking Design Guidelines". We can add a specific reference to the to the Zoning Bylaw pointing to those regulations.*

Potential Amendments to General Bylaws to add a new Dumpster Maintenance Bylaw

Uses requiring screening.

All dumpsters will need to be fully screened and closed. Multi family and Commercial properties.

Can require self closing latches.

Housekeeping Revisions:

Most are minor edits.

Dumpster Requirements:

Ms. Loughnane went through suggestions.

Board Comments:

Who will enforce the dumpsters? *Ms. Loughnane: It will need to be addressed. It may need to be specified in the bylaws.*

Can add Violations and Fines? *Ms. Loughnane: Maybe add a stipulation to Building Permits.*

Tree Preservation bylaw, will probably not be ready in time for the Spring Town Meeting.

Potential Amendments to Zoning Bylaw Section 9. – Mixed-use Multi-family Residential Overlay District (MUMFROD)

- Ms. Loughnane stated that the Town has Attorney General approval. However we do not have Economic community and Economic Development approval, and we do not meet the guidelines yet, we have 16.5 acres and not 50.
- We can try and make a case to DHCD that we meet the spirit of the law.
- Board members are in favor of getting to 25, but don't know how to get to 50.
- Some Towns are looking to challenge this. What is the status? Can work with DHDC. It can be the Town's first step.
- What is a reasonable size?
- We acted in good faith, supported by the Town.

Ms. Loughnane stated that the Planning Board did not need to vote tonight, and will discuss at the January 3, 2023 meeting. Ms. Loughnane will make revisions and get it out to the Planning Board.

Review of Draft Meeting Minutes from November 15, 2022

Upon a motion made by Ms. Wynne and seconded by Mr. Giordano, the Planning Board voted in favor (5-0) via roll call vote to adopt the minutes from November 15, 2022 as presented.

Roll Call Vote:

Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Joshua C. Ames-Yes
Philip M. Giordano-Yes
Christopher A. Pfaff-Yes

Updates from Agency and Committee Representatives

None.

General Miscellaneous Updates and Administrative Items

None.

Adjournment

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 adjourn at 9:12pm.

Roll Call Vote:

Ellen Larkin Rollings-Yes
Kathleen Wynne-Yes
Joshua C. Ames-Yes
Philip M. Giordano-Yes
Christopher A. Pfaff-Yes

List of Documents:

Link to Documents: [2022/12/13 07:00 PM Planning Board Regular Meeting - Web Outline - Town of Westwood, Massachusetts \(iqm2.com\)](https://www.townhall.westwood.ma.us/departments/community-economic-development/planning-division)

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

790 Gay Street - Hanlon School Project Gay St #790 - Hanlon - Application, Westwood Planning Board, 9/9/2022, 3 pages. Gay St #790 - Hanlon - Tree Mitigation Planting Plan-Final, JRead Corp., 9/7/2022, 2 pages. Gay St #790 - Hanlon - Modification to Order of Conditions 120122, Westwood Conservation Commission, 12/1/2022, 1 page. Gay St #790 - Hanlon - Drainage Revision Plan -2022-10-14, Nitsch Engineering, 10/14/2022, 1 page. Gay St #790 - Hanlon - Drainage Project Summary, Nitsch Engineering, 9/2//2022, 1 page.	PDF
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<p>26 Dartmouth Street-Continued to January 3, 2023</p> <p>Dartmouth St #26 - Project Narrative Dartmouth St #26 - Proposed Site Plan Dartmouth St #26 - Stormwater Management Report Dartmouth St #26 - Traffic Memorandum Dartmouth St #26 - Noise Study Dartmouth St #26 - Parking and Traffic Dartmouth St #26 - Hazard Communications Plan Dartmouth St #26 - FMUOD Special Permit Application Dartmouth St #26 - Existing Conditions Dartmouth St #26 - Existing Conditions 2 Dartmouth St #26 - Existing Conditions 3 Dartmouth St #26 - Existing Conditions 4 Dartmouth St #26 - Environmental Impact and Design Report Dartmouth St #26 - Complete Site Plan Set 26 Dartmouth St Peer Review 10-4-22 Planning Board Presentation 26 Dartmouth St Peer Review 12-12-22</p>	<p>PDF</p>
<p>Meeting Agenda & Meeting Procedures</p> <p>Official Meeting Procedures- Remote Public Participation Guide - Remote PB Agenda 2022-12-13 REVISED 11-15-2022 PB Minutes - draft</p>	<p>PDF</p>