Town of Westwood Planning Board  
Meeting Minutes  
50 Carby Street  
November 6, 2007  
7:00 PM

Board Members Present: Chairman Robert Malster, Robert Moore, Steve Olanoff, Bruce Montgomery and Henry Gale.

Staff Members Present: Diane Beecham, Town Planner; John Bertorelli, Town Engineer; Westwood Station Peer Review Consultants: Peter Alpert, Esq., Ropes & Gray; Nancy Kolb; Steve Cecil, The Cecil Group.

Continuation of Deliberations on the Westwood Station Special Permit Decision

Chairman Malster opened the meeting at approximately 7:15 pm. Attorney Alpert stated that this evening’s deliberative process focuses on the Special Conditions governing Urban Design and Signage. The Peer Review Team from The Cecil Group has nearly completed the Design Guidelines and Signage Guidelines for the Project. Attorney Alpert stated that these Guidelines are still undergoing a technical editing process and identified one unresolved substantive issue: the location of bicycle parking. Cecil Group recommended locating bicycle parking in the garages and Steve Olanoff has indicated a strong preference for requiring secure bicycle parking within residential and office buildings.

1. Special Conditions Governing Urban Design and Signage

(a) All components of the Approved master Plan are to be designed and constructed consistent with the Design Guidelines. The Board shall make a threshold determination in connection with the proposed Definitive Subdivision Plan and each EIDR Application as to whether the application is consistent with the Design Guidelines. If the submittal in question is not consistent with the Design Guidelines, the Board shall decide whether the deviation from the Design Guidelines warrants disapproval of the submittal. It was stated that the Board should be mindful that the Design Guidelines are to be applied flexibly and reasonably in light of the particular circumstances of a given submittal.

(b) The Planning Board recognizes that it serves the interests of both the Board and the Applicant for the Applicant to have the ability to make minor physical alterations to the Approved Master Plan without formally amending this Decision. Accordingly, the following types of physical modifications to the Approved Master Plan may be implemented without formally amending this Decision:

(i.) Increases in the height in feet (but not stories or levels) of any Building or Parking Facility by less than 10% relative to the height shown for that Building on the Approved Plans, provided that in all events the building’s height remains seventy (70) feet or lower, as height is measured pursuant to the Bylaw;

(ii.) Reductions in the height of any Building, provided that the number of stories proposed for the Buildings is not reduced;

(iii.) Reductions in the height or number of levels of any Parking Facility provided there is no reduction in the total number of parking spaces shown within any of the parking zones delineated in the Walker zonal parking analysis; [a comment was made that the intent of this condition is to permit parking below grade.]

(iv.) Increases of up to 10% in the Gross Floor Area and up to 5% in the Net Floor Area of residential uses proposed on any particular Lot, in both cases relative to what is indicated on the Land Division Plan, provided that there are no resulting violations of the Floor Area Ratio limitations imposed under the Bylaw;

(v.) Transfers between residential buildings proposed to be built in Phase I and in Phase II;

(vi.) Relocation of the footprint of any residential, mixed use or hotel Building within a perimeter that is within twenty-five (25) linear feet of the footprint shown for that Building on the Approved Plans;
(vii.) Modifications in the size of the footprint of any office or hotel building provided the aggregate amount of land area covered by such Buildings within the Lot in question does not exceed the aggregate for that Lot as shown on the Land Division Plan;

(viii.) Increases in the size of the footprint or Gross Floor Area of any Public Facility provided there is no resulting violation of the Floor Area Ratios imposed under the Bylaw;

(ix.) Increases in aggregate length of facades of the office buildings along the west side of Westwood Station Boulevard by ten (10) percent or less from the aggregate façade length shown on the Approved Plans;

(x.) Increases or decreases in the size of the footprint of any retail Building, provided that the total length of the retail frontage of any of the Buildings along Market Street is not increased or decreased by more than five (5) percent from what is shown on the Approved Plans; [There was discussion about the need for more specific language. Board members agreed on the importance in keeping continuity in the frontage of the Market Street Buildings. Mr. Cecil stated that flexibility is needed in this area in case of a minor change, and would not necessitate an amendment to the Decision.]

(xi.) Movement in the perimeter location of any Open Public Amenity Area by up to fifty (50) feet in any direction from the location shown on the Approved Plans. [There was discussion as to whether the 50 feet could be changed to 25 feet.]

(xii.) Parking spaces in any Parking Facility serving a building containing residential units may be relocated to a location below the building served, provided that (1) vehicular access to or egress from such below grade parking at the building serviced is provided along the same project drive that serves the parking facility from which the parking spaces were related, and (2) such relocation does not adversely affect the Project’s internal traffic circulation, as reasonably determined by the Planning Board;

(xiii.) Parking spaces in any Parking Facility serving an office may be relocated to below-grade parking beneath the office Building, provided that vehicular access to and egress from such below-grade parking is provided exclusively below-grade between the Building served and the Parking Facility from which the spaces were located and provided further that the street-level locations of vehicular access and egress to the Parking Facility from which the spaces were located and not changed; [There was some discussion amongst the Board members concerning the shift this could create on the shared parking and that compliance with the zonal shared parking requirements has to be demonstrated.]

(xiv.) Relocation of the footprint of any Parking Facility within a perimeter that is within twenty-five (25) linear feet of the footprint shown for that Parking Facility on the Approved Plans, provided that the setbacks relative to any street are not reduced.

The following types of variations from the Approved Plans shall be deemed to constitute a material modification requiring an amendment to this Decision:

- Any decrease in the amount of Open Public Amenity Areas proposed for a given Lot on the Land Division Plan; and
- Any decrease in the proposed setback of the office Buildings located west of Westwood Station Boulevard such that the setback is less than eighty (80) feet from the western curb line of Westwood Station Boulevard other than those portions of any such Building located behind the facades facing Westwood Station Boulevard.

[A Board member asked for clarification about minimum setbacks and Mr. Cecil stated clarification of the language with regard to intent may be necessary.]

Nothing in this Special Condition 1(b) shall limit the Board’s ability to authorize the transfer of development authorizations and obligations pursuant to Bylaw §9.6.13.3 or the Board’s ability to determine whether Project Modifications that go beyond those listed in subsections (b)(i) through (b) (xiv) constitute “minor departures” within the meaning of Bylaw § 9.6.13.1.

(c) The special permit granted in this Decision pursuant to Bylaw § 6.2.17 authorizes only the number and size of Project signs, and does not address or authorize other attributes of particular signs that may require other relief under the Bylaw (e.g. “off premise” signs within the meaning of Bylaw § 6.2.14). To the extent such other relief is required and obtained; it
will not supersede or abrogate any requirement or condition of this Decision.

This Special Permit for signs allows a maximum area and number for the Way finding Sign listed in Exhibit __ to this Decision, which Exhibit also shows the general location of such signs. This Special Permit for signs allows for a maximum area and number for the Business Signs listed in Exhibit __ to this Decision. The specific location of all of the signs listed in these exhibits will be identified and reviewed during the EIDR process.

(d) All signs requiring a permit under the Bylaw and erected in connection with the Project shall be designated in accordance with the Signage Guidelines.

(e) The Board recognizes that the Project may have upwards of 90 or more Small Retail Facilities, and that it would not be consistent with an efficient EIDR process to require that the final design details for each Small Retail Façade and for each Small Retail Sign be comprehensively reviewed and approved through the EIDR process.

- No Small Retail Facades or Small Retail Signs may be constructed or installed until they are first approved either by the Planning Board through the formal EIDR process, or by a qualified architect that the Planning Board selects to assist the Building Inspector in the review of such Small Retail Facades and Small Retail Signs.
- Every EIDR Application for a Building that includes Small Retail Facades shall at a minimum show the anticipated location of the Small Retail Facades and the general zones in which Small Retail Signs are anticipated to be installed within such facades.
- Each EIDR Approval for retail Building shall identify the Small Retail Facades and Small Retail Sign locations, if any, that requires additional review by the Design Advisor and may set forth special conditions or directions for the Design Advisor’s review of such Design Advisory Elements.
- Any Building Permit or sign permit applications submitted to the Building Inspector seeking permission to construct or install any Design Advisory Elements shall simultaneously be submitted to the Design Advisor.

(f) Retail Facilities may be distributed through the Project only in accordance with the following schedule. Compliance with this condition is integral to the Board’s decision to grant the Consolidated Special Permit pursuant to the Bylaw Section 4.1.5.7 for retail establishments over 15,000 square feet of Net Floor Area. [Ms. Beecham asked the Peer Review Consultant why Gross Floor Area is not used here, since it is generally used with respect to the other land uses. Mr. Cecil responded that net floor area is the appropriate calculation to use for retail only.

- North Retail Area: encompasses all portions of the Project Site located north of University Avenue.
- Central Retail Area: encompasses all portions of the Project Site located south of the North Retail Area and north of a line extending in an east/west direction along the southern edges of the buildings designated as 8A and 8B and the northern edge of building designated as 10A in the Area Master Plan.
- South Retail Area: the area bounded on the south by Harvard Street, on the west by Westwood Station Boulevard, on the east by University Avenue, and to the north by the southern boundary of the Central Retail Area.

(g) In accordance with Table 1.2 of the Applicant’s Supplement #2 to the Area Master Plan Special Permit Application submitted on August 30, 2007, it shall be a condition of this Decision that certain uses within the Project shall be restricted to maximum square footages as follows [to be listed]

(h) The waiver of the requirement in Section 15.0 of the Rules & Regulations for the submission of a “management agreement” or other documentation regarding the long-term operation, maintenance and management of Open Space and Open Public Amenity Areas within the
Approved Master Plan is granted on the condition that (i) such documentation be submitted on the part of the EIDR Application covering the Open Space or Open Public Amenity Areas in question, and (ii) the documentation provides for [specific minimal substantive requirements that will be listed for such documents].

(i) Establishments selling fast order food shall not be located so as to constitute a “food court”, in which there is a concentration of these establishments serving food primarily from counters and seating is typically located in a central common area.

(j) There shall be no more than two (2) buildings on the Project Site that have a Motel or Hotel as the principal use. [The Board would like to delete "motel"].

(k) There shall be no more than (2) “Commercial Indoor Recreation” establishments operational within the Project Site at any one time. Such establishments shall be contained only within Buildings programmed for retail use in the Approved Master Plan, and shall consist only of health and fitness facilities. [Board members suggested that this item belongs in the Special Permit section.]

(l) Building 2C, as designated in the Area Master Plan Special Permit Application (the 2C Hotel), (delete "shall be" and change to "if") designed to include a publicly accessible exterior pedestrian walkway adjacent to Building 2C connecting to pedestrian ways or sidewalks leading to the MBTA Platform. Such walkway shall, (remove “where adjacent to the Building 2C”) be covered by a canopy or roof to protect pedestrians from the weather.

(m) The height of the hotels in the locations of Building 2C and Building 2D on the Approved Master Plan shall not exceed seven (7) stories. [Board members may want to add “100 feet” after 7 stories.]

(n) All landscaped areas including plant materials, street furniture such as benches and special features that may be approved as components or conditions through EIDR process shall be promptly repaired or replaced in the event of damage or failure. In regards to plan materials, replacement may be delayed only until seasonable planting conditions prevail.

The meeting was adjourned at 11:00 pm.