Westwood Planning Board Meeting  
Tuesday, February 26, 2019  
7:00 pm  
Champagne Meeting Room  
50 Carby Street Westwood, MA 02090

Call to Order:
The meeting was called to order by Chairman Atkins at approximately 7:00 pm. Chair Atkins explained the meeting procedures that would be followed for the evening; Applicant present first, staff comments, board comments and questions, then open to public comments.
The meeting was video recorded by Westwood Media Center.

Present:
Planning Board members present: David L. Atkins, Jr., Michael L. McCusker, Brian D. Gorman, Christopher A. Pfaff and Deborah J. Conant. Staff members present: Abigail McCabe, Town Planner, Nora Loughnane, Community & Economic Development Director and Jessica Cole who recorded the meeting minutes.

Ms. McCabe announced that there was a change to the Agenda.
340 Clapboardtree Street, Limited EIDR Public Hearing – St. Mark’s Cathedral request to construct new entrance and accessible ramp on west side of building. St. Mark’s has asked for a continuance to the next meeting on March 12.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board members voted 5-0 to continue 340 Clapboard Street, Limited EIDR Public Hearing to March 12 at 8 pm in the Cafeteria of the Downey Elementary School at 250 Downey Street.

Morgan Farm Estates - Definitive Subdivision Bond Reduction Request for Phase II

Ms. McCabe discussed how at the January 29th, there were questions about when the trees were planted and state DEP regulations. After further review those regulations don’t apply. Once on approved Subdivision Plan, the trees have been approved and must continue through the life of the project. The right of way is still owned by developer and replacement of any dead trees is the responsibility of the developer until the street is accepted. After a road is accepted any trees in the right of way become the responsibly of the Town. Prior to acceptance, the Planning Board would further review and make a recommendation prior to acceptance and any dead trees would be replaced at that time and prior to a full release of the performance guarantee. Ms. McCabe recommends the release of the funds to the developer, there is a draft motion with a condition that all trees be planted by May 30th, 16 trees still need to be planted.

Public comments:
Chair Atkins asked if there were any public comments and there were none.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board members voted 5-0, to recommend the Tripartite Agreement for Phase II of Morgan Farm Estates, dated August 21, 2015, be reduced from $48,146.00 to 19,546 for the remaining work with a condition that all street trees be installed by May 30, 2019 or no further bond releases will be considered.

University Station, 80 University Avenue (Map 33, Lot 056) Project Development Review Public Meeting  
(continued from 1/29)– Construction of two-story building for 40,000 sq. ft. of office, surface parking, and associated site work. Review and discuss interim sidewalk plan approved as part of the Courtyard Marriott Project in 2017.

Applicant:
Paul Cincotta, of New England Development was present to discuss the changes made since the last meeting. Four parking spaces have been removed and a pathway has been added. Fire Dept. requests were met, landscaping is on the plan and natural gas will be used for the emergency generator.

David Enriquez of SGA, architects was present and addressed a few design comments. They have changed the building material to brick, it still maintains an appropriate look for an office building, and the color of the glass is more clear.

Board Comments:
The Board commented on the color and the pedestrian pathway/crosswalk added to the site parking lot
The Board wants the crosswalk to be well defined and a stamped color pattern to match the crosswalks in the parking area for the restaurants that connects to the hotel

Brian Dugdale of Goulston & Storrs was present and updated the Planning Board on the Pedestrian Connection to the Amtrak Station and the MBTA with an update. He reached out to MBTA and Amtrak, and Amtrak is looking into it but has not provided a definitive response. Mr. Dugdale is concerned that we don’t have a firm yes or no and requests that this off-site pedestrian walk not be connected with this current project on a different property.

Board Comments:
Do we have a remedy as a Town?
-Dan Bailey, Special Town Counsel, said that this item has been on the agenda for the past 3 years for meetings between the Town and Master Developer, NED (New England Development). It is difficult because it is Amtrak and not the T. As a Town we may want to mention it to Rep. Stephen Lynch. Mr. Bailey will work with the Select Board and the Planning Board to write a letter.

Staff Comments:
Ms. McCabe discussed a draft list of conditions and findings:
- Finding for adequate parking at 8.5 feet.
- Findings in support of 165 parking spaces at 8.5 ft. width.
- Color and material for the crosswalk in the parking area to match the rest of the development
- Final lighting plan to be submitted.
- Night lighting scheme for nighttime, security light.
- Final signage to be submitted.
- Backup generator to be screened and natural gas
- Landscaping done by final certificate of occupancy.
- Final details on emergency contacts for the O&M Plan.
- Board of Health permitting and dumpster license.
- Town Planner will inspect all final plans.

Public Comments:
Chair Atkins asked for any public comments, to which there were none.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board members voted 5-0, to approve the project development review for 80 University Ave with the 10 conditions summarized by Ms. McCabe and outlined in draft list of conditions. Motion passes.

240 University Avenue - Minor Modification Request to amendment condition 1 of Planning Board’s January 8 EIDR* approval.

Applicant:
Mark Beaudry of Meridian Associates, Inc., was present to discuss the minor modification, he said the Board approved the EIDR in January. Mr. Beaudry then went to the ZBA and the Conservation Commission. Sodium Chloride, was prohibited from use in the Planning Board’s approval. The consultant for the Dedham-Westwood Water District, Westwood & Sampson, recommended they pretreat the lot with magnesium chloride and then use

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reduced amounts of sodium chloride. The DWWD recommendation was approved by the ZBA and the Conservation Commission’s public hearing has been continued, there are some discrepancies, so Mr. Beaudry wants a modification to condition 1 of their EIDR to match the DWWD’s recommendation and request removal of the sodium chloride prohibition.

Board and Staff Comments:
We needed the Water Districts recommendation, and it was a few days after the close of the Planning Board’s Public Hearing, in January that the DWWD’s recommendation was received in advance of the ZBA’s hearing. The DWWD recommended, the Applicant pretreat with Magnesium Chloride and spot treat with Sodium Chloride. There was discussion on what is used at University Station. Ms. McCabe noted that the full report was given from Dedham Westwood Water District and provided in the Planning Board’s packet.

Public Comments:
F. Fusco, 20 Pine Lane, is concerned about our drinking wells, and feels we should get more information.

Action Taken:
Upon a motion made by Mr. McCusker and seconded by Mr. Pfaff, the Planning Board members voted 3-2 (Gorman/Conant voted against) to find this request to be a minor modification at 240 University Avenue. Motion passes.

Upon a motion made by Mr. McCusker and seconded by Mr. Pfaff, the Planning Board voted 3-2, (Gorman/Conant voted against) to approve the applicant’s request to modify condition 1 by removing the prohibition of the use of Sodium Chloride to allow deicing by pre-treating the surface with Magnesium Chloride followed by reducing Sodium Chloride as recommended by the Dedham Westwood Water District. Motion passes.

Open Space and Recreation Plan, Public Hearing - Continued from December 11, January 8, and January 29. The Open Space and Recreation Plan sets goals and recommendations related to open space and recreation in Westwood.

Ms. McCabe, has revised the OSRP through today, February 26, 2019, changes since Jan 29, include working with the consultant, updating the appendix, clarifying the ADA evaluation plan is supposed to be an assessment of properties under the recreation and conservation commission’s jurisdiction and not include all Town buildings. Added new General Goal #2-promotion accessibility along with other minor changes.

Public Comments:
N. Fabrizio, 32 Webster Street, She said the OSRP Plan and the master plan, it is only 1 of 9, it should not be taken lightly. She is concerned about non-residents and duplicate responses to the surveys.

Staff & Board Comments:
● It has been an ongoing process and the Public Meetings have been important. Noting that this is not the Comprehensive Plan, this is the OSRP with our 4th hearing on this topic.
● The Comprehensive Plan is a separate committee. This will set goals and visions for the future of the Town.
● Some concern that the Goals too specific-change some text

Ms. Loughnane commented that the Planning Board needs to have a fully adopted plan to Fin Com, or recommend changes. If the Planning Board wants to make further changes they need to send specific comments to Ms. McCabe before the Fin Com meeting.

Public Comments:
S. Castaldini, 54 Burgess Street-Commented on the ways to capture information is sometimes more expensive. There needs to be more flushing out before going to Fin Com and onto Town Meeting.

Staff Comments:
The plan is setting up aspirational goals, it is helpful for this community to have this Plan so as a Town can get grants from the state. Ideally, it is updated every 7 years.

Ms. Loughnane stated that there are 6 Different Goals, the Action Plan’s order of goals and objectives to be changed, and this Board has to adopt this plan, it is most important, because the funding timeline is running out.

Action Taken:
Upon a motion made by Mr. McCusker and Mr. Gorman, the Planning Board voted 4-0-1 (Conant abstained from the vote) to approve the Open Space and Recreation Plan as revised through February 26, 2019 and further amended to include the public comment letters in Section 10, and update the Action Plan to match the order of the goals and objectives stated earlier in the goal section.

Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board voted 5-0 to continue the Open Space and Recreation Plan, Public Hearing, until March 12, 7pm, Downey School, 250 Downey Street, Westwood, MA.

Public Hearing for Zoning Amendments submitted for Annual Town Meeting

Article 1 - Endorsement for Open Space & Recreation Plan

Article 2 - Accessory Uses in HB zone
We are repeating the process after disapproval from the Attorney General due to minor procedural error; Wilson Way business wants a cafeteria. Proposal is to allow this accessory retail use in the HB zoning district. Does the meals tax apply? Yes.

Public comments:
None

Article 3 - Definitions and Locations for Medical Uses
Revises 2 definitions, and adds new definitions, revised table of uses

Staff Comments:
Ms. McCabe explained that this zoning article adds new definitions for terms not defined and adds them to the Table of Uses, which regulates where these uses can and cannot go. The article also adds Medical Centers and Clinics to the Table of Uses because it is not currently included. The proposal is to allow Medical Centers/Clinics by special permit in the ARO and Industrial Zoning districts and Hospitals and Substance Rehabilitation/Treatment Facilities in the ARO zone by special permit. The ARO was selected because of the similar allowed uses (nursing homes, assisted living facilities) and proximity to the highway.

Ms. Loughnane, there have been to proposals, the last proposal was 24 years ago which is now Fox Hill Village, purpose of bylaw change. Ms. Loughnane then read a letter and an article aloud. Important to address bylaw deficiencies. Ms. Loughnane explained that uses not mentioned could be the basis of an appeal to the ZBA, in any zoning district. Not zoning for these uses does not protect the Town. The Industrial zoning district is not proposed as a location for Hospitals and Substance Rehabilitation/Treatment Centers because there is much more property in these zoning districts that are currently underutilized and that change would essentially encourage these uses. The ARO zone includes four proprieties that are development today. Undesirable uses should not be in areas where there is undeveloped land. Westwood also does not want to see non-profit uses encouraged on the valuable commercial land.

Public Comments:
S. Castaldini, 54 Birch Street, commented that did not want to see these uses in the ARO zone and near dense residential areas.

B. Hardiman, 40 Westdale, had a tax question. Mostly non-profit. If Meditech leaves what happens? Staff explained the special permit process. If the uses is allowed by special permit in the ARO zone, an Applicant could file an
application to the ZBA. The ZBA reviews special permits and has specific findings it must make where they will consider impacts to the neighborhood.

Buckley, 60 Glandore Road, asked for clarification and rational for this change. Staff responded that these uses cannot simply be prohibited in Town.

Staff and Board Comments:
The ARO District has to be allowed somewhere in town

Ms. Loughnane, said that the Town could rezone the ARO District, not under this warrant article, but the Town can't prohibit it.
It is recommended be a special permit. Must allow for a process, chose another district, need to choose a zoning district.

Public Comments:
B. Hardiman, 40 Westdale, asked where is in the Adult District? - Off of Dartmouth Street
Could it be an Overlay District? Staff responded that a new overlay district or a zoning map change would require a new zoning warrant article because it is beyond the scope of this warrant article.

Ms. Sullivan, 47 Westdale, stated recommended allowing substance rehabs in the Industrial zoning district and further away from the schools.

Dr. Yang, 62 Birch Lane, said that Drug rehabs in our vicinity, plans may never materialize, but it may bring our property values down. Overdoses will happen near the rehabs, and Cocaine is at the rehabs too.

C. Feeney, 17 Westdale Rd, said that having a rehab would be too close to a neighborhood, with young families.

Ms. Loughnane, commented that we have to be open as a Town. We need the best location, and we have limited it to certain zones. The ARO districts are already restricted, because they have direct Highway Access and are developed today. This article was already approved. We could rezone, but we would need justification, and take it to Town Meeting. Because Westwood is mostly a residential, there is not an easy answer because all commercial districts abut a residential area/zone.

A. Sullivan, 47 Westdale spoke against rehab facilities.

F. Jurczak, 33 Magaletta Drive, said that in the area close to the Downey School is where teachers and kids walk through the woods and it is heavily foot pathed. It is an Islington neighborhood where all the kids walk to school down Smith Drive and the tree named streets. Spoke against ARO and IO (Industrial Office) zones.

T. Joyce, 146 Weatherbee Drive commented that she preferred to see the substance rehab used allowed throughout town in all neighborhoods rather than in the ARO only. Ms. Loughnane emphasize the importance of allowing these uses in limited areas in town to protect the town.
Ms. Woods, 64 Birch Lane asked, How long has Westwood been at risk? Continue to let the town be at burden. -Since 1961 the current zoning bylaw was established.

Board and Staff Comments:
  ● Meditech is in the ARO zone but is not involved in this zoning change.
  ● Could change where it is allowed.
  ● Move forward or come back with a justification for a revised article at a subsequent town meeting.
  ● Make a recommendation for Fin Com and keep the it open, and continue.
  ● We could do nothing or we can adopt this.

Ms. Loughnane stated that the Bylaw does have references to Hospital, but it was not in the use chart. This is for the Board to consider. The Article is not just about rehabs, doctor's offices are considered too.
4 parcels are in the ARO District.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Ms. Conant to adjust the table to the Industrial zone By University ave.) by special permit (BA) and remove the BA in the ARO District.
Vote 2-3 (Pfaff, McCusker, Atkins voted against.)
Motion does not pass.

Board Comments:
Keep it as is, subject the whole town, for one year, to it until we figure it out rather than identify one spot, BA across everything until we can better identify, same as doing nothing.
ARO is the safest place right now.
Putting the buildup of the business ahead of our neighborhoods.

Ms. Loughnane suggested that the Planning Board should take their time, making changes is better than doing nothing. The Planning Board’s job is to propose, consider, and make zoning amendment recommendations

Action Taken:
Upon a motion made by McCusker and seconded by Mr. Atkins, the Planning Board voted to recommend in favor of this article to Finance and Warrant Commission as written.

Ms. Loughnane stated that Hospital and Rehab are the same definition, so the Board cannot strike one without another. Check your bylaws in other sections that use the Hospital definition, probably in University Avenue Mixed Use Overlay District.

Public Comments:

Ms. Loughnane stated that it is more than hospital and substance rehab, as cannot strike the whole article.

Action Taken:
Upon a motion made by Mr. McCusker and seconded by Mr. Atkins to recommend the Article as written to the Finance and Warrant Commission, the Planning Board voted 2-3. The motion does not pass.

The Chairman made a motion to move on to the next article.
Failed to take action and will move onto the next article.

Action Taken:
Mr. Gorman to reconsider the Industrial location Conant seconded.
The Planning Board voted 2-3, motion still fails. Motion reconsideration fails.

Action Taken:
Mr. Pfaff made a motion to allow the uses to be allowed by special permit in all zones. The motion was not seconded. The motion did not pass.

Article 4 - Housekeeping Articles to fix and correct any errors. Overlay District not listed in the section in the bylaw and it was not listed just missing from the list.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board voted 5-0 in favor to recommend Article 4 to the Finance and Warrant Commission

Article 5 - Increase Allowable Fence Height
Zoning is written now if fence or wall is over 6 feet need a special permit.
The Article would allow a 6-7 foot fence or wall by right, 7-8 feet would require a special permit.

Public comments:
None

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board voted 5-0 in favor to recommend Article 5 to the Finance and Warrant Commission.

Article 6 - Accessory Uses in Residential Districts for Parking and storage of vehicles
Defining 4 or more garage bays needs a special permit.
Removes parking outside the house.

Ms. Loughnane stated that a 3 bay garage is allowed, and a 4 bay garage still needs a special permit.
The way that the Article 6 is currently written is not practical, it needs to be changed.

Board Comments:
- Concerned about too many cars in driveways.
- There should be a limit.
- Concerns of Airbnb’s in Town.

Public Comments:
E. DeReyna, 221 Hartford Street commented that her neighbor has a Livery business and there are times when 4 cars are in the driveway and it is unsightly. This lowers property value, and there should be limits to cars.

Ms. Loughnane stated that there is not a car limit in the bylaw, 5 or more cars have to be screened from view.
Garage structures are what is being limited, it is approximately $150 for a Special Permit application

Action Taken:
Upon a motion made by Mr. McCusker and seconded by Mr. Atkins, the Planning Board voted 2-3 to recommend Article 6 to Fin Com as written to the Finance and Warrant Commission.
The Motion Fails.

Action Taken:
Upon a motion made by Mr. Pfaff and seconded by Mr. McCusker, the Planning Board voted 2-2-1 to add wording the wording ‘4 cars or more cars visible in driveway needs a special permit’. 3 car garage and 3 in the driveway without a special permit.
The Motion Fails.

Action Taken:
Upon a motion made by Mr. Gorman and Ms. Conant, the Planning Board voted 2-3 to withdraw the Article to Fin Com. The Motion fails.

Mr. Atkins stated that Article 6 did not receive a recommendation for the Finance and Warrant Commission.

Article 7 - Zoning Amendments to Residential Retirement Community (RRC)
Ms. McCabe heard from Fox Hill Village: Update RRC use the term Assisted Living Residence. Change building height definition by feet rather than number of stories to be more consistent with the rest of the zoning bylaw that uses feet and how building height is defined. Requesting some additional changes. Adds a language to require affordable units that starts require affordable units when 8 or more units are proposed.

Public Comments:
Heather Sawitsky, General Counsel for Fox Hill Village
Fox Hill bought the Clark House, which will become assisted living. They will be building 24 Assisted Living Residences. Ms. Sawitsky has no objection of the language being presented in the Article to require affordable units, but she wants clarification of height so they know how to design their plans to be submitted for review.

Board and Staff Comments:
- Process of demolishing.
- RRC is allowed in the ARO zone by Special Permit.
- Used to be 5 stories and it will now be 65 feet
- Still require an application

Public comments:
But it is in the ARO District. Is it a variance District not a bylaw issue?

Ms. Loughnane commented that it will require Affordable Housing, and we want to make it more consistent with the rest of our bylaws by specifying the maximum height in feet and how the height is measured.

Attorney for Fox Hill Village:
Ms. Sawitsky just wants more certainty, that is why we want to see the changing of the bylaws. The building they would like to propose is much smaller building, and the architect wants certainty.

Public Comment:
Why does it need to be a bylaw change? The only thing I like is the affordability component.
Don’t do the change for one applicant.

Ms. Loughnane:
The request is to make this section of our bylaw consistent by adding an affordability requirement and clarify the maximum height allowed.

Staff Comments:
Ms. McCabe explained that the Building Inspector went to Fox Hill Village to measure the height of the existing building and determined 65 ft. was the maximum height of the existing building. The 65 ft. is proposed and is consistent with what is already built so that this zoning change does not create a new non-conformity. The Building Commissioner said the original language in the Article was confusing because it does not clearly state how tall a building can be and only references stories but the height of stories is not defined.

Action Taken:
Upon a motion made by Mr. Pfaff and seconded by Mr. Gorman, the Planning Board voted 5-0, to Accept Article 7, as written and recommend to the Finance and Warrant Commission.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board voted 5-0 to approve Article 1 and recommend to the Finance and Warrant Commission.

Chairman Atkins will submit:
Articles: 1, 2, 4, & 5
Articles: 3, 6 did not receive a recommendation to be submitted to the Finance and Warrant Commission.

Action Taken:
Upon a motion by Mr. Gorman and seconded by Mr. McCusker, the Planning board voted 5-0 to continue the public hearing to the Fin Com Meeting, Monday March 4, 7 pm at the Westwood Public Library, 660 High Street.

Public Hearing to Amend Planning Board Rules and Regulations - To be continued

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. McCusker, the Planning Board voted 5-0 to continue Planning Board Rules and Regulations to April 9, Downey School, 250 Downey St 7pm

Other Business:
Ms. McCabe discussed that Hedgerow Lane, will no longer exist and the developer and homeowners will pay for the costs. The homeowners want to own the land. The warrant article to discontinue this portion of the Hedgerow Lane Right of Way is on the Annual Town Meeting warrant. A non-binding recommendation from the Planning Board is requested.

Action Taken:
Upon a motion made by Mr. Gorman and seconded by Mr. Pfaff, the Planning Board voted 5-0 to support the request to discontinue portion of the former Hedgerow Lane right of way.

Motion Passed

Approval of Minutes:
Jan 8 and Jan 29
Upon a motion made by Mr. Pfaff and seconded by Mr. Gorman, the Planning Board voted 5-0 to accept the Minutes from Jan 8 and Jan 20 as amended.

Minutes accepted.

Adjournment:
Upon a motion made by Mr. McCusker and seconded by Mr. Gorman, the Planning Board members voted in favor (5-0) to adjourn the meeting at approximately 12:00 am.

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