



WESTWOOD RECORDS
ANNUAL TOWN MEETING, MAY 3, 2010

Pursuant to a warrant dated April 5, 2010, signed by Selectmen, Patrick Ahearn, Nancy Hyde, and Phillip Shapiro, the inhabitants of Westwood qualified to vote in Election and Town affairs, convened in the Westwood High School Gymnasium on Monday, May 3, 2010 at 7:30 p.m. for the Annual Town Meeting.

Moderator, Anthony J. Antonellis who declared the presence of a quorum, called the meeting to order at 7:31 p.m. The return on warrant was read, after which all stood for the Pledge of Allegiance to The Flag. The next order of Business was the swearing in by Town Clerk Dorothy A. Powers and Town Moderator Anthony J. Antonellis, those Town officials who were elected to office on Tuesday, April 27, 2010.

2 Resolutions were presented and read.

The First Resolution was presented to Barbara Delisle by Nancy Hyde, Board of Selectmen.

WHEREAS, Barbara Delisle served as a member of the Town of Westwood's School Committee from 2001 to 2010, and

WHEREAS, during her term on the School Committee, she gave unselfishly of her time to the School System and assiduously advocated for the education of all Westwood children, and

WHEREAS, she advocated for parent involvement in many aspects of the school system's operations, and

WHEREAS, she was involved in the design and construction of Westwood High School through her participation on the Permanent Building Committee, and

WHEREAS, she was an active member of the Town's Long Range Financial Planning Committee as a School Committee Representative, and

WHEREAS, during her term of office she demonstrated the qualities of leadership, setting examples of fairness, hard work, and loyalty, and

BE IT THEREFORE RESOLVED that the Town of Westwood, by vote of those present at the 2010 Annual Town Meeting, officially recognize and express its gratitude to Barbara Delisle for her dedicated service to the Town, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to Barbara Delisle.

The Second Resolution was presented to Robert C. Malster by Philip N. Shapiro, Chairman, Board of Selectmen.

WHEREAS, Robert C. Malster, served on the Planning Board for seven years from 2003 through 2010 and served as Chairman in 2007 through 2009, and

WHEREAS, during his terms of office he gave generously of his time and consistently demonstrated the qualities of leadership, dedication and fairness throughout his service to the Town, and his opinions were valued by the Planning Board, Town staff and other elected and appointed Town boards and commissions, and

WHEREAS, he was instrumental in the successful review and approval of the Westwood Station permitting process before the Planning Board and demonstrated a willingness to make difficult decisions based on the needs of the Town, and

WHEREAS, during his term of office, he generously gave his time and consistently demonstrated the qualities of leadership, dedication and fairness throughout his service to the Town, and

WHEREAS, during his term on the Finance Committee from 1999 to 2003 he diligently supported municipal and school services while considering the cost and necessity of those services, and

WHEREAS, he was also involved in the Regional Transportation Board and the Three Rivers Interlocal Council, and

BE IT THEREFORE RESOLVED that the Town of Westwood, by vote of those present at the 2010 Annual Town Meeting, officially recognize and express its gratitude to Robert C. Malster for his dedicated service to the Town, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to Robert C. Malster.

The John J. Cronin Public Service Award was then presented to Robert W. Uek for his exemplary service, dedication, and commitment to the Town of Westwood by Philip Shapiro, Chairman of the Board of Selectmen.

ARTICLE 1

The Finance Commission recommended and the town voted unanimously to appropriate by transfer from available funds the sum of One Hundred Seventy-Nine Thousand Three Hundred Four Dollars (\$179,304) to supplement the following fiscal year 2010 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Reserve Fund	\$99,304	Blue Hills Regional School Assessment	\$12,304
Planning Board Salary	\$30,000	Police Salary	\$120,000
Comprehensive Insurance	\$50,000	Veterans' Benefits	\$25,000
		COA Salary	\$2,000
		COA Building Maintenance	\$13,000
		Library Salary	\$7,000
Total	\$179,304	Total	\$179,304

ARTICLE 2

The Finance Commission recommended and the town voted unanimously to appropriate by transfer from available funds the sum of Two Hundred Twenty-Three Thousand Five Hundred Dollars (\$223,500) to supplement the following fiscal year 2010 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$41,500	Ambulance Services	\$41,500
Free Cash	\$100,000	Snow and Ice	\$100,000
Free Cash	\$75,000	DPW Salary – Overtime Snow and Ice	\$75,000
Ambulance Receipts	\$7,000	Collectors Expense	\$7,000
Total	\$223,500	Total	\$223,500

ARTICLE 3

There being no unpaid bills of the previous year, no action was taken on this article.

ARTICLE 4

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds and/or borrow for the operation of the municipal departments and public school system for the fiscal year July 1, 2010, through June 30, 2011, as set forth in

Appendix D of the Finance Commission's Report to the 2010 Annual Town Meeting, or take any other action thereon.

Appendix A - The classification and compensation plan for Town employees, as presented by the Personnel Board. This is printed for information only.

Appendix B - The classification and compensation plan for School employees, as voted by the School Committee. This is printed for information only.

Appendix C - The classification and compensation plan for elected officials as recommended by the Finance Commission. The Moderator will call for a vote on each of these positions.

Appendix D - As noted, the operating budget for all Town departments as recommended by the Finance Commission.

Appendix E - The School Department Budget Summary.

ARTICLE 5

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Four Hundred Seventeen Thousand Dollars (\$417,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Repairs to Town Hall Cupola/Gutters	Selectmen	\$31,500	Free Cash
Medical Van	COA	\$35,000	Free Cash
End User Technology	IS	\$25,000	Free Cash
Police Vehicles	Police	\$120,314	\$61,500 Taxation/ \$58,814 Free Cash
Fire Engine Overhaul	Fire	\$30,000	Free Cash
Communication Radio Console (With Grant)	Police	\$25,000	Free Cash
Municipal Building Maintenance	Selectmen	\$55,186	Free Cash
One Ton Dump & Plow	DPW	\$60,000	Free Cash
Nahatan Street Retaining Wall	DPW	\$35,000	Free Cash

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

ARTICLE 6

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Four Hundred Six Thousand Dollars (\$406,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Technology	School	\$308,000	\$61,500 Taxation/ \$246,500 Free Cash
HVAC	School	\$18,000	Free Cash
Copiers	School	\$80,000	Free Cash

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

ARTICLE 7

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Two Hundred Forty-Five Thousand Dollars (\$245,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Service Truck	Sewer	\$45,000	Sewer User Fees
Pipe Lining	Sewer	\$200,000	\$16,604 Sewer Retained Earnings/ \$183,396 Sewer User Fees

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

ARTICLE 8

The Finance Commission recommended and the Town voted unanimously to authorize the Board of Selectmen to apply for and accept state funds to be received as reimbursement for road improvements and deposit said funds into the Town’s road improvement account to be used as reimbursement for expenditures made or to continue the Town’s road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for the expenditure of any funds allotted or to be allotted by the Commonwealth for the improvement of Chapter 90 and other public roads within the Town of Westwood and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said program, or take any other action thereon.

ARTICLE 9

The Finance Commission recommended and the Town voted by a 2/3 voice vote declared by the Moderator (i) to approve an Economic Development Proposal (“Proposal”) submitted to the Town by Cabot, Cabot & Forbes (the “Developer”) in accordance with Sections 5 through 12 of Chapter 293 of the Acts of 2006, as amended (“I-Cubed”), consisting of

roadway, utility and other public infrastructure improvements related to the construction of Westwood Station Boulevard and modifications to the intersection of Canton Street and University Avenue, as well as any other infrastructure that is related to the Proposal; (ii) to establish a Municipal Liquidity Reserve (as defined in I-Cubed) to hold funds received by the Town from the Developer to secure reimbursement to the Commonwealth of Massachusetts for debt service paid by the Commonwealth on bonds to be issued by the Massachusetts Development Finance Agency to provide funds for the Proposal, and (iii) to authorize the Board of Selectmen to approve and the Board of Selectmen and the Town Treasurer to enter into such agreements with the Developer, the Commonwealth and the Massachusetts Development Finance Agency as are necessary to implement the Economic Development Proposal as the Board of Selectmen, following consultation with the Westwood Finance Commission, determine to be in the best interests of the Town, provided that the Town's obligation for local infrastructure development assistance under such Proposal shall not exceed six million dollars, or take any other action in relation thereto.

ARTICLE 10

The Finance Commission recommended and the Town voted by a 2/3 voice vote declared by the Moderator to amend Section 9.6 [Mixed Use Overlay District (MUOD)] to add to and revise certain provisions thereof as follows, or take any other action in relation thereto:

Amend Subsection 9.6.3 [Applicability] and add Subsection 9.6.3.1 and Subsection 9.6.3.2 to read as follows:

9.6.3 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to MUOD 1, MUOD 2 and MUOD 3.

9.6.3.1 **Area Master Plan.** A project in a MUOD may be authorized by special permit for an Area Master Plan encompassing any parcel or set of parcels held in common or separate ownership which have an aggregate land area of fifty (50) acres or more and are located in one or more MUODs. All parcels in the Area Master Plan shall be referred to collectively as a single "Area Master Plan Lot." Any area within an Area Master Plan Lot, whether held in single or multiple ownership, may be designated as a "Sub-Area Master Plan Lot" by the Planning Board. If an application under MUOD provisions involves more than one ownership, each owner of land included in the Area Master Plan shall be a party to, or consent to, the application.

9.6.3.2 **Separation of Lots and Phases.** Notwithstanding any provision of this Bylaw or any permit issued hereunder to the contrary:

9.6.3.2.1 Any individual Area Master Plan or Sub-Area Master Plan may consist of one or more phases and/or one or more uses.

9.6.3.2.2 Any violation of this Bylaw or any permit issued hereunder by an owner or occupant of a single lot or ownership unit or demised premises within an Area Master Plan Lot or a Sub-Area Master Plan Lot shall not constitute a violation by any other owner or occupant within the same or any other Area Master Plan Lot or Sub-Area Master Plan Lot.

9.6.3.2.3 The requirements of this Bylaw shall not be applied to the individual lots or ownership units comprising an Area Master Plan Lot or Sub-Area Master Plan Lot, but shall be applied as if the Area Master Plan Lot or Sub-Area Master Plan Lot, as applicable, were a single conforming lot whether or not the same is in single or multiple ownership.

9.6.3.2.4 Upon the issuance of an EIDR approval under this Bylaw for any phase of an Area Master Plan, such phase shall be deemed to be in compliance with the provisions of this Bylaw notwithstanding the status of any other phase in the Area Master Plan and/or any noncompliance of such other phase with the phasing plan, phasing requirements set forth herein or otherwise.

Amend Subsection 9.6.5 [Permitted Uses] so that Subsection 9.6.5.6 and Subsection 9.6.5.11 reads as follows:

9.6.5.6 Fast order food establishment, provided either: (a) such establishment is within MUOD 1, and is located east or south of Westwood Station Boulevard, or (b) such establishment is wholly within a building in office or other non-retail use, or (c) such establishment is located within MUOD 2 or MUOD 3. For the purpose of this subsection, the location of Westwood Station Boulevard is that shown on the approved Definitive Subdivision Plan for Westwood Station, entitled “Westwood Station” MP Special Permit Definitive Subdivision Plan of Land in Westwood, MA”, dated October 1, 2007, and revised through December 27, 2007, prepared by Traffic Solutions, LLC, Two Center Plaza, Suite 700, Boston, MA 02108, approved by the Planning Board on January 8, 2008 and recorded in the Norfolk County Registry of Deeds on April 18, 2008;

9.6.5.11 Restaurant with Entertainment, provided that (a) the Restaurant with Entertainment is part of an Area Master Plan that includes at least 300,000 square feet of Retail Sales and Services uses in the aggregate; (b) the Entertainment is at all times subordinate and incidental to the Restaurant use; and (c) the Entertainment takes place while the Restaurant is offering meal service. For purposes of this Section, Entertainment shall be defined within the MUOD as the provision of live, recorded, or interactive music, comedy, vocals, drama or media or other entertainment licensed by the Town but shall not include Adult Use;

Amend Subsection 9.6.7 [Alternative Regulations], Subsection 9.6.9.2 [Water Resource Protection District] and Subsection 9.6.9.3 [Open Public Amenity Areas] so that Subsection 9.6.7.4, Subsection 9.6.9.2.4 and Subsection 9.6.9.3 read as follows:

9.6.7.4 The maximum impervious surface requirements shall be met across the aggregate of: (a) all land within the Area Master Plan Lot, and (b) land outside the Area Master Plan Lot, but within an MUOD, that is subject to a recorded easement, restriction or covenant or other appropriate instrument, but do not have to be met on each individual lot.

9.6.9.2.4 For purposes of providing the minimum amount of vegetation area and the amount of impervious materials coverage in Section 9.3.7.3 the following shall apply: Vegetation may be provided within the area subject to an Area Master Plan Special Permit or application therefor and/or areas outside the Area Master Plan/Application, but within an MUOD, that are subject to a recorded easement, restriction or covenant or other appropriate instrument. If an Area Master Plan includes areas within both the MUOD and WRPOD, and if the impervious materials cover more than fifteen percent (15%) of the portion of such area within the WRPOD, then all storm drainage other than roadway runoff, and as allowed by the Department of Environmental Protection (DEP), parking lot runoff, shall be recharged within the area subject to the Area Master Plan and roadway and such parking lot runoff shall comply with the stormwater management standards adopted by the Massachusetts Department of Environmental Protection.

9.6.9.3 **Open Public Amenity Areas.** Not less than ten percent (10%) of the aggregate land area, exclusive of wetlands, contained within the Area Master Plan must be comprised of areas to which the public has at least visual access, including landscaped areas and such features as pedestrian walks, patios, landscaped plazas, and incidental structures to support them, but excluding auto traveled ways, driveways and parking surfaces. The foregoing requirement may be satisfied within the Area Master Plan Lot or outside the Area Master Plan Lot on land in an MUOD that is subject to a recorded easement, restriction or covenant or other appropriate instrument. An initial determination of whether a particular area or feature meets this requirement shall be made by the Planning Board in its decision on the Area Master Plan and a definitive decision shall be made pursuant to the review of individual projects within an Area Master Plan under Section 7.3, Environmental Impact and Design Review.

Amend Subsection 9.6.9.1 [Parking Requirements] and add a new Subsection 9.6.9.1.2 so that Subsection 9.6.9.1 and Subsection 9.6.9.1.2 read as follows, and renumber subsections as appropriate:

9.6.9.1 **Parking Requirements.** Requirements to assure parking adequacy are to be established in the Area Master Plan, which shall depart from the provisions of Section 6.1, Off-Street Parking in the following ways:

9.6.9.1.2 Parking requirements (actual or reserved) for any phase of an Area Master Plan, once approved by the Planning Board under EIDR, shall not be subject to modification; provided, however, additional parking spaces shall be required for a change in use or intensity that increases the parking requirements as set forth in Section 6.1.2.

Further amend Subsection 9.6.9.1 [Parking Requirements] so that Subsection 9.6.9.1.3, Subsection 9.6.9.1.4, and Subsection 9.6.9.1.5 read as follows:

9.6.9.1.3 There shall be no minimum parking setback requirements as required in Section 6.1.18 except at any boundary line at the perimeter of an Area Master Plan, other than where it abuts another Area Master Plan, unless such minimum parking setback requirement is waived by the Planning Board in its discretion.

9.6.9.1.4 Parking shall preferably be structured and shall not be primarily located so that it separates buildings from street sidewalks. Parking shall instead be primarily located below the building, to its rear, or to its side. The foregoing provisions shall not apply to (a) any portion of an Area Master Plan Lot that is located outside the 1,500-foot zone surrounding the main pedestrian entrance to the depot building at the Massachusetts Bay Transportation Authority's University Park/Route 128 Station (the "Station Zone"), or (b) any portion of an Area Master Plan where strict enforcement of such provisions would inhibit the purpose and intent of Section 9.6 as the Planning Board may determine in its discretion.

9.6.9.1.5 In an Area Master Plan, the requirements of Section 6.1.23 shall not apply.

Amend Subsection 9.6.9.4 [Sign Location] and Subsection 9.6.9.5 [Signs] so that the subsections read as follows:

9.6.9.4 **Sign Locations.** Signs may be set back less than the fifteen (15) feet from the street line. Signs or sign structures may project or extend over sidewalks, private ways or, with the approval of the Board of Selectmen, public ways.

9.6.9.5 **Signs.** Notwithstanding the requirements of Section 6.2 of this Bylaw, the Planning Board may through the Environmental Impact and Design Review process under Section 7.3 of this Bylaw approve the erection and maintenance of such signs that (a) are located within the boundaries of, or relate to, a project for which an MUOD Area Master Plan Special Permit has been issued under Section 9.6.4 of this Bylaw, and (b) comply with signage guidelines approved by the Planning Board in connection with the issuance of such Area Master Plan Special Permit and with the conditions of any consolidated special permit issued as part of such Area Master Plan Special Permit pursuant to Sections 9.6.4 and 6.2.17 of this Bylaw. The provisions of Section 6.2 of this Bylaw shall apply to signs erected and maintained other than in accordance with an Area Master Plan Special Permit that establishes sign guidelines. Off-Premises Signs shall be permitted within the Area Master Plan Lot or elsewhere in the MUOD provided an appropriate license, recorded easement or other appropriate

arrangement is implemented. In no event shall any off-premises sign exceed the maximum sign area applicable to an on-premises sign within the Area Master Plan Lot.

Amend Subsection 9.6.10 [Area Master Plan Requirements] to add the following sentence at the end of Subsection 9.6.10.8:

The owner of a lot within an Area Master Plan Lot shall be entitled to lawfully divide such lot, including without limitation plans approved pursuant to Massachusetts General Laws Chapter 41, Section 81P, without modifying the applicable Area Master Plan Special Permit, EIDR Approval or other approval under this Bylaw, consistent with the provisions of this Section 9.6. Lots within an Area Master Plan Lot or Sub-Area Master Plan Lot may be separated by a public or private way.

ARTICLE 11

The Finance Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to amend Section 9.6 [Mixed Use Overlay District (MUOD)] to add to and revise certain provisions thereof as follows, or take any other action in relation thereto:

Amend Subsection 9.6.13.1 [Environmental Impact and Design Review], add a new Subsection 9.6.13.2, and renumber subsections as appropriate, so that the amended subsection reads as follows:

9.6.13.1 Environmental Impact and Design Review. Approval of an Area Master Plan does not substitute for the otherwise required review of individual buildings pursuant to Section 7.3, Environmental Impact and Design Review, except as expressly hereinafter provided. To the extent that a building's impacts, mitigation and features are approved as part of the Area Master Plan, such impacts, mitigation and features shall be reviewed for general consistency with the Area Master Plan Special Permit, subject to the provisions of Section 9.6.10.6. Consistency with the Area Master Plan Special Permit shall be a consideration in the Section 7.3 review of individual building applications. The following will require a special permit amendment to the Area Master Plan:

9.6.13.1.1 A proposed amount of development exceeding the amount authorized for that category of use cumulatively through that phase in the Area Master Plan;

9.6.13.1.2 An unmitigated increase beyond the explicit impact limitations established in the Area Master Plan;

9.6.13.1.3 Failure to make provision for impact mitigations required in the Area Master Plan;

9.6.13.1.4 Substantial departure from the configuration of building forms and access patterns indicated in the Area Master Plan; or

9.6.13.1.5 Other departures whose impacts because of their scale, severity or kind would be of substantial public consequence.

9.6.13.2 The EIDR decision shall authorize administrative approval of minor plan modifications meeting the criteria set forth in the decision by the Town Planner, or other Town staff as designated in the decision, in which case no modification of the Area Master Plan Special Permit shall be required. A minor plan modification shall be limited to minor adjustments to any physical elements in an approved plan whereby there is no material increase in unmitigated impacts upon the community or the neighborhood. A plan modification, for purposes of this subsection, shall be deemed to be minor if the changes proposed:

9.6.13.2.1 Are materially consistent with the approved Area Master Plan Special Permit, Sub-Area Master Plan Special Permit or EIDR Approval from which the modification is requested;

9.6.13.2.2 Involve no material increase in building size, or floor area, or material decrease in parking supply;

9.6.13.2.3 Do not materially vary from the approved layout of buildings, parking facilities, streets and access drives, utilities, and other principal site elements;

9.6.13.2.4 Do not materially change the design and operation of the stormwater system;

9.6.13.2.5 Do not materially increase vehicle trips; and

9.6.13.2.6 Do not result in any material decrease in the amount of approved landscaping, pedestrian area or open space.

ARTICLE 12

The Finance Commission recommended and the town voted by a 2/3 voice vote in favor declared by the Moderator to amend Section 9.6. [Mixed Use Overlay District] by adding and revising certain provisions thereof, or take any other action relative thereto:

Amend Subsection 9.6.13 by deleting the word “Conditions” from the title of Section 9.6.13 and replacing it with the new title “General Provisions.”

Amend Subsection 9.6.13 by adding the following new Subsection 9.6.13.7:

9.6.13.7 **Discretionary Authority.** In connection with the approval of an Area Master Plan Special Permit, a Sub-Area Master Plan Special Permit, or an EIDR

Approval, the Planning Board in its discretion may modify the application of the requirements of Section 9.6 by up to ten percent (10%). In such cases the Planning Board must find that:

The use is otherwise permitted in the MUOD;

The modification is otherwise consistent with the intent of Section 9.6; and

The modification has a beneficial impact on the Area Master Plan or Sub-Area Master Plan.

No modification herein shall authorize an increase in the height limitations in the MUOD.

Amend Subsection 9.6.13 by renumbering existing Subsection 9.6.13.6, entitled "Appeal," to be Section 9.6.14.

ARTICLE 13

This was a "miscellaneous" Westwood Station article that was not needed.

ARTICLE 14

The Finance Commission recommended and the Town voted unanimously in favor to accept the provisions of Section 9A of Chapter 53 of the Massachusetts General Laws.

ARTICLE 15

The Finance Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to adopt the following amendments to the General Bylaws:

All references to the Massachusetts General Laws will be standardized to the following format: MGL c.____, §____. All references to "by-law" are amended to read "bylaw."

All references to "Chairman" are amended to read "Chairperson."

Section 6-2 is amended by deleting G.L. c. 6, §73 and inserting MGL c.19A.

Section 30-12 is amended by deleting "The Selectman" and inserting "The Selectmen."

Section 30-14 is amended by deleting "Purchasing Agent" and inserting "Chief Procurement Officer."

Section 30-15 is amended by deleting the word "where" after auditing or consulting work and after "engineering and construction projects."

Section 30-18 is amended by deleting "Collector of Taxes" and inserting therein "Tax Collector."

Section 30-19A(4) is amended by deleting "section one of chapter two hundred and sixty eight" and inserting "MGL 268A."

Section 47-4A is amended to add the words "shall prevail" at the end of the following sentence, "All departments shall therefore cooperate to the fullest extent with the Information Technology Department personnel, including the Town Administrator and the Director of Information Technology; provided, however, the Department's duties as provided by any federal, state, or local law, bylaw, rule, or regulation shall prevail."

Section 80-3 is amended by deleting “collector of taxes” and inserting “Tax Collector.”

Section 80-19A the wording “The Building Official, classified as Building Commissioner, shall be appointed” is amended to read “The Building Commissioner shall be appointed.” All references to “Building Official” in §§80-19 and 80-22A are amended to “Building Commissioner.”

Section 80-20B is amended by deleting therefrom “Board of Fire Prevention, Massachusetts Department of Public Utilities” and inserting “Board of Fire Prevention Regulations, Massachusetts Department of Fire Services.”

Section 80-21B is amended by deleting “Board of Massachusetts Department of Public Utilities established under MGL c. 25, §12H and inserting “Board of State Examiners of Plumbers and Gas Fitters.”

Section 80-22B is amended by deleting “Massachusetts Board of Examiners of Plumbers” and inserting “Board of State Examiners of Plumbers and Gas Fitters.”

Section 80-25B is amended by deleting the words “MGL c.42” and inserting the words “MGL c. 41.”

Section 90-5A is amended by inserting after the words “Executive Secretary,” the words “(Chief Administrative Officer).”

Section 175-1 and 175-4 are amended by deleting the “words used in the plural number” and inserting “words used in the singular number, “and by deleting the words, “Article 3” and inserting “§175-3.”

Section 175-2A is amended by deleting “or” at the end of the last sentence.

175-4 definition of “Master Box Owner” is amended by inserting the word “and” after the word “commercial property.”

Section 184-2, 184-3, and 184-6, are amended by deleting the words “any of the reasons” and inserting the words “any of the provisions.”

Sections 184-3, 184-4B, and 184-5, are amended by deleting the words “penalty fee” and inserting the words “penalty”, or “penalties.”

Section 184-4D is amended by deleting the words “MGL c.49A” and inserting the words “MGL c.140, §151.”

Section 184-10B is amended by adding the words at the end of the first sentence, “established by the town clerk” in accordance with the provisions of MGL c.40, §22f, and by deleting §19B, (1),(2),(3),(4).”

Section 184-10D is amended by deleting the words “Section 140” and “Section 161” and inserting the words “MGL c.140, §160, and MGL c.140, §161,” respectively.

Article 14 of the General Bylaws is amended by deleting it in its entirety.

Section 292-1D is amended by deleting the words “MGL c. 136, §5” and inserting the words “MGL c. 136, §7.”

Section 292-3 is amended by deleting the words “not less than” and inserting the words “not more than.”

Section 338-2E is amended by adding at the end of the section the words, “shall be exempt from the requirements of this bylaw.”

Section 338-15A is amended by deleting the words, “convicted of a crime, or offense or bylaw” and inserting the words, “convicted of a crime, or offense or violation of any bylaw.

Section 350-2 is amended by deleting the first paragraph in its entirety and inserting, “Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw.”

Section 355-18 is amended by deleting the words “said license” and inserting the words “said permit.”

Section 355-19 is amended deleting the word “licensee” and inserting the word “permitee.”

Section 355-24 is amended by deleting the word “licensee” and inserting the word “permittee” and deleting the word “license” and inserting the word “permit.”
Section 355-30B is amended by deleting the words, “this bylaw” and inserting the words “this section.”
Section 380-10 is amended to add, after “\$50,” “shall be imposed.”

ARTICLE 16

The Finance Commission recommended and the Town voted unanimously in favor to amend Chapter 184 of the General bylaws (Dog Control and Leash Law) by deleting Section 10B.(4) in its entirety and inserting in its place the following:

“Effective January 1, 2011, the term of any license issued by the Town Clerk shall be for the period of January 1st to December 31st. The Town may charge a late fee of twenty-five (\$25.00) dollars to be paid by the owners who license said dog or dogs after January 31st”.

ARTICLE 17

The Finance Commission recommended and the Town voted unanimously in favor to accept the provisions of paragraph 9 of Section 1 of MGL, Chapter 60A.

ARTICLE 18

The Finance Commission recommended and the Town voted 107 YES to 106 NO , to amend the Home Rule Petition adopted as Article 1 of the Special Town Meeting held on October 21, 2008 by deleting the words “located in a commercially zoned district” from the second from the last line of Section 1 of said Article and substituting therefore the following words: “be lawfully operating as a commercial business.” A motion to reconsider failed.

ARTICLE 19

The Finance Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments related to Special Residential Development, including the following:

- 1) Remove Section 8.5 [Major Residential Development] in its entirety, and renumber sections as appropriate.
- 2) Amend Section 4.1 [Principal Uses], Sub-section 4.1.3 [Residential Uses] by deleting Sub-section 4.1.3.4 [Major Residential Development per Section 8.5] in its entirety, and renumber as appropriate.
- 3) Amend Section 4.1 [Principal Uses], Sub-section 4.1.3 [Residential Uses] by changing the section reference number for Senior Residential Development from “8.6” to “8.5” in Sub-section 4.1.3.5, so that the amended Sub-section reads as follows:

4.1.3.5 Senior Residential Development per Section 8.5

- 4) Amend Section 4.1 [Principal Uses], Sub-section 4.1.3 [Residential Uses] by changing the section reference number for Residential Retirement Community from “8.7” to “8.6” in Sub-section 4.1.3.6, so that the amended Sub-section reads as follows:

4.1.3.6 Residential Retirement Community per Section 8.6

5) Amend Section 4.2 [Notes for Table of Principal Uses], note 9, by deleting the words “Section 8.5, Major Residential Development (MRD)”, and by changing the section reference number for Senior Residential Development from “8.6” to “8.5”, so that the amended note reads as follows:

⁹ The Planning Board shall be the Special Permit Granting Authority for an Earth Material Movement special permit application in connection with 1) the construction of streets and the installation of municipal services as shown on a subdivision plan; or 2) a plan submitted pursuant to Section 7.2, Major Business Development (MBD), Section 7.3, Environmental Impact Design Review (EIDR), Section 8.5, Senior Residential Development (SRD), or Section 9.5, Planned Development Area Overlay District (PDAOD).

6) Amend Section 6.1 [Off-Street Parking], Sub-section 6.1.3 [Residential Uses] by deleting Sub-section 6.1.3.4 [Major Residential Development per Section 8.5] in its entirety, and renumber as appropriate.

7) Amend Section 6.1 [Off-Street Parking], Sub-section 6.1.3 [Residential Uses] by changing the section reference number for Senior Residential Development from “8.6” to “8.5” in Sub-section 6.1.3.5, so that the amended Sub-section reads as follows:

6.1.3.5 Senior Residential Development per Section 8.5

8) Amend Section 6.1 [Off-Street Parking], Sub-section 6.1.3 [Residential Uses] changing the section reference number for Residential Retirement Community from “8.7” to “8.6” in Sub-section 6.1.3.6, so that the amended Sub-section reads as follows:

6.1.3.6 Residential Retirement Community per Section 8.6

9) Amend Section 7.1 [Earth Material Movement], Subsection 7.1.1 [Special Permit Required], by deleting the words “Section 8.5, Major Residential Development (MRD)”, and by changing the section reference number for Senior Residential Development from “8.6” to “8.5”, so that the amended sub-section reads as follows:

7.1.1 **Special Permit Required.** No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor granted by the Board of Appeals. The Planning Board shall be the Special Permit Granting Authority for the export, import and/or regrading of earth material on any parcel of land in connection with 1) the construction of streets and the installation of municipal services as shown on a subdivision plan; or 2) a plan submitted pursuant to Section 7.2, Major Business Development (MBD), Section 7.3, Environmental Impact and Design Review (EIDR), Section 8.5, Senior Residential Development (SRD), or Section 9.5, Planned Development Area Overlay District (PDAOD).

10) Amend Section 9.6 [Mixed Use Overlay District], Subsection 9.6.4 [Special Permit Required], by deleting the words “Section 8.5, Major Residential Development (MRD)”, and by changing the section reference number for Residential Retirement Community from “8.7” to “8.6” and the section reference number for Senior Residential Development from “8.6” to “8.5”, so that the amended Sub-section reads as follows:

9.6.4 Special Permit Required. Development under MUOD provisions requires special permit approval of an Area Master Plan by the Planning Board in compliance with the provisions of this section. Application for any special permits which may otherwise be required pursuant to this Bylaw, except for the special permit required under Section 8.6, Residential Retirement Community and Section 9.3, Water Resource Protection Overlay District, may be consolidated into a MUOD Area Master Plan special permit application. Such consolidated special permit application may be acted upon by the Planning Board in accordance with the requirements of Section 9.6.12 by issuance of an Area Master Plan special permit, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Special permits pursuant to Section 5.5.6, Creation of Ways, Section 6.3.2 Buffer Areas in Nonresidential Districts, Section 6.5, Floor Area Ratio Limitation, Section 7.2, Major Business Development (MBD), and Section 8.5, Senior Residential Development (SRD) shall not be required for development under a MUOD Area Master Plan.

ARTICLE 20

The Finance Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to amend Section 6.1 [Off-Street Parking] by deleting Sections 6.1.16 and 6.1.17 in their entirety, and inserting a new Section 6.1.16 addressing landscape requirements for parking areas with fewer than ten parking spaces, and a new Section 6.1.17 addressing landscape requirements for parking areas with ten or more parking spaces, to read as follows:

6.1.16 Parking Areas with Fewer Than Ten Parking Spaces. Parking lots designed for fewer than ten (10) parking spaces shall provide such landscaping as may be required under Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements.

6.1.17 Parking Areas for Ten or More Parking Spaces. The following requirements shall apply to all new parking areas containing ten (10) or more parking spaces, and to existing parking areas containing ten (10) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review. Any additional requirements set forth in Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements shall also apply.

6.1.17.1 Landscape Design Requirements. All parking areas applicable to this section shall conform to the following design requirements:

6.1.17.1.1 Areas Adjacent to Buildings. Landscaped areas at least five (5) feet in depth shall be provided adjacent to buildings on every side of such buildings that has a public access point, and shall contain trees and shrubs.

6.1.17.1.2 Perimeter Planting Areas. Parking lots shall be bordered on all sides, exclusive of driveways, with a minimum five (5) foot wide planting area, within which trees shall be spaced not more than twenty-seven (27) feet on center and no tree shall be planted less than two (2) feet on center from

curbing or sidewalks. In all cases, plantings shall be located so as not to obstruct vehicle sight distances, entrances and exits.

6.1.17.2 Additional Requirements for Parking Areas for Forty or More Parking Spaces. The following additional requirements shall apply to all new parking areas containing forty (40) or more parking spaces, and to existing parking areas containing forty (40) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review.

6.1.17.2.1 Landscaped Islands. Landscaped islands shall be located so as to divide a parking lot into sections not exceeding one hundred forty (140) cars per section, to provide visual relief, shade, and wind interruption within the parking area, and to assure safe patterns of internal circulation. Landscaped islands shall be either divider islands or terminal islands, or a combination thereof. Divider islands are defined as landscaped islands along the length of one or more rows. Terminal islands are defined as landscaped islands within or at the end of one or more rows.

6.1.17.2.1.1 General Standards. Each landscaped island shall have a minimum area of one hundred fifty (150) square feet and shall consist of pervious landscaping. Curbing, at least six (6) inches in height, shall surround each landscaped island as protection from vehicles. No tree shall be planted less than four (4) feet on center from curbing.

6.1.17.2.1.2 Standards for Divider Islands. The following additional design standards shall apply to divider islands:

At least one (1) divider island shall be provided for every four (4) parallel rows of parking.

Trees shall be spaced not more than twenty-seven (27) feet on center.

At least one (1) shrub shall be provided for every five (5) linear feet, or one (1) shrub per thirty-five (35) square feet of ground area, whichever results in a greater number of shrubs.

6.1.17.2.1.3 Standards for Terminal Islands. The following additional design standards apply to terminal islands:

Terminal islands shall be used either (1) to separate parking spaces from driveways and other vehicular travel lanes, or (2) to break up large numbers of parking spaces in a single row of spaces.

Terminal islands shall be provided at the ends of rows of parking where such rows are adjacent to driveways or vehicular travel lanes. In addition, terminal islands shall separate groups of parking

spaces in a row, such that no continuous line of adjoining spaces contains more than twenty-five (25) parking spaces.

Terminal islands shall contain at least one (1) tree and at least two (2) trees when abutting a double row of parking spaces.

Terminal islands shall contain evergreen shrubs planted three (3) feet or less on center, in order to prevent damage due to pedestrian traffic.

6.1.17.2.1.4 **Impervious Surface.** A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas.

6.1.17.3 **Landscape Materials.** All planted trees shall be of a species tolerant of conditions generally found in a parking lot, and shall have a minimum caliper size of four (4) inches (measured four feet above grade level). Shrubs shall be a mix of deciduous and evergreen varieties, tolerant of conditions generally found in a parking lot, and shall be at least twenty-four (24) inches in height at time of planting. To the fullest practicable extent, existing trees and vegetation shall be preserved. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover. Planting shall be done in accordance with proper landscaping practices. Trees, shrubs, grass and ground cover which die or become diseased shall be replaced by the property owner within six (6) months of such death or disease.

6.1.17.4 **Site Plan Requirements.** All parking areas applicable to this section shall be shown on a site plan which shall be prepared by a professional engineer or landscape architect and shall show the following:

6.1.17.4.1 Boundaries of the new or expanded parking area and all parking spaces, bicycle parking, loading areas, access and egress areas;

6.1.17.4.2 Existing topography, including any proposed grading changes;

6.1.17.4.3 Proposed storm drainage system and calculations of storm drainage runoff to demonstrate compliance with the stormwater management standards as adopted and amended from time to time by the Massachusetts Department of Environmental Protection;

6.1.17.4.4 Utilities, signage, outdoor storage and trash/recycling disposal areas;

6.1.17.4.5 Existing and proposed planting, landscaping and screening; and

6.1.17.4.6 Exterior lighting.

6.1.17.5 **Reduction of Landscaping Requirements.** The Planning Board may modify or reduce the requirements of Section 6.1.17 where in its judgment, for topographic or engineering reasons, these requirements could not reasonably be met.

ARTICLE 21

The Finance Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to amend Section 6.1 [Off-street Parking] to revise certain minimum parking requirements as follows: A motion to amend the article failed.

Amend Section 6.1.4.1 [Use of land or structures for religious purposes] by adding the words “in principal assembly area” at the end of the section so that the amended section reads as follows:

6.1.4.1 Use of land or structures for religious purposes	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, in principal assembly area
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Amend Section 6.1.4.5 [Agricultural Use, Exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.” so that the amended section reads as follows:

6.1.4.5 Agricultural Use, Exempt	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
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Amend Section 6.1.4.7 [Municipal Facilities] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.” so that the amended section reads as follows:

6.1.4.7 Municipal Facilities	
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	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
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Amend Section 6.1.5.1 [Agricultural Use, Non-exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.” so that the amended section reads as follows:

6.1.5.1 Agricultural Use, Non-exempt	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
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ARTICLE 22

The Finance Commission recommended and the Town voted unanimously in favor to approve certain housekeeping amendments, including the following:

- 1) Replace the word “cars” with the word “vehicles” wherever such word appears in Section 6.1 [Off-Street Parking Requirements].
- 2) Reorganize and group uses having identical parking requirements in Section 6.1.3 [Off-Street Parking Requirements – Residential Uses] and renumber sections as appropriate.
- 3) Reorganize and group uses having identical parking requirements in Section 6.1.4 [Off-Street Parking Requirements – Exempt and Institutional Uses] and renumber sections as appropriate.

- 4) Reorganize and group uses having identical parking requirements in Section 6.1.5 [Off-Street Parking Requirements – Commercial Uses] and renumber sections as appropriate.
- 5) Reorganize and group uses having identical parking requirements in Section 6.1.6 [Off-Street Parking Requirements – Industrial Uses] and renumber sections as appropriate.
- 6) Reorganize and group uses having identical parking requirements in Section 6.1.7 [Off-Street Parking Requirements – Other Uses] and renumber sections as appropriate.

ARTICLE 23

The Finance Commission recommended and the Town voted unanimously in favor to adopt a new Official Zoning Map showing district designations of all town-owned properties, and incorporating certain minor corrections to zoning district boundary lines.

ARTICLE 24

The Finance Commission recommended and the Town voted unanimously to approve certain amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], Section 4.3 [Accessory Uses], and Section 6.1 [Off-street Parking] including the following:

Add new Section 2.31 [Coffee Shop] to read as follows, and renumber sections as appropriate:

2.31 Coffee Shop An establishment where the primary activity is the retail sales of coffee, tea, and/or similar products for consumption on or off the premises.

Add new Section 2.66 [Ice Cream Parlor] to read as follows, and renumber sections as appropriate:

2.66 Ice Cream Parlor An establishment where the primary activity is the retail sales of ice cream, frozen yogurt and/or similar products for consumption on or off the premises.

Add new Section 2.109 [Retail Take-out Counter] to read as follows, and renumber sections as appropriate:

2.109 Retail Take-out Counter A counter accessory to a retail establishment, engaged in the dispensing of prepared food and/or beverage to persons carrying food and beverage away for consumption elsewhere.

Amend Section 2.51 [Fast Order Food Establishment] by adding the following sentence to the end of the definition: “The term ‘fast order food establishment’ shall not include ‘coffee shop’, ‘ice cream parlor’ or ‘retail take-out counter’ as herein separately defined.”

Amend Section 2.105 [Restaurant] by deleting the last sentence of the definition, and replacing with the following: “The term ‘restaurant’ shall not include ‘fast order food establishment’, ‘coffee shop’ or ‘ice cream parlor’ as herein separately defined.”

Amend Section 4.1 [Principal Uses], Sub-section 4.1.5 [Commercial Uses] by adding a new Sub-section 4.1.5.15 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

4.1.5.15 Coffee Shop

Amend Section 4.1 [Principal Uses], Sub-section 4.1.5 [Commercial Uses] by adding a new Sub-section 4.1.5.16 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

Ice Cream Parlor

Amend Section 4.3 [Accessory Uses], Sub-section 4.3.4 [Accessory Uses in All Nonresidential Districts] by adding a new Sub-section 4.3.4.3 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns:

Retail Take-out Counter

Amend Section 6.1.5.14 [Fast Order Food Establishment] by adding the words “, plus one (1) space per two (2) employees, plus three (3) spaces per take-out station” at the end of the section, so that the amended sub-section reads as follows:

6.1.5.14 Fast Order Food Establishment	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees, plus three (3) spaces per take-out station
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Add new Sections 6.1.5.25 [Coffee Shop] and 6.1.5.26 [Ice Cream Parlor] to read as follows, and renumber sections as appropriate:

6.1.5.25 Coffee Shop 6.1.5.26 Ice Cream Parlor	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees, plus three (3) spaces per take-out station
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All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 10:35 p.m.

Attest:

Dorothy A. Powers

Dorothy A. Powers
Town Clerk