



WESTWOOD RECORDS ANNUAL TOWN MEETING, MAY 2, 2011

Pursuant to a warrant dated April 4, 2011, signed by Selectmen, Patrick Ahearn, Nancy Hyde and Philip Shapiro, the inhabitants of Westwood qualified to vote in Elections and Town affairs, convened in the Westwood High School Auditorium on Monday, May 2, 2011 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 7:54 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 of those Town Officials who were elected to office on Tuesday, April 26, 2011, by Town Clerk, Dorothy A. Powers.

One Resolution was read and presented to David W. White, Jr. by Selectman, Patrick Ahearn.

WHEREAS, David W. White, Jr. served on the Sewer Commission from 2002 through 2010, and

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

WHEREAS, his many worthwhile contributions were greatly valued by his fellow members of the Sewer Commission, Town staff, and members of other elected and appointed Town boards and commissions, and

WHEREAS, he volunteered his professional expertise and contributed countless hours of his time to plan, construct, and maintain the Westwood Sewer System, and

WHEREAS, he was a founding member and co-chair of OPEN, an organization that preserves land and conservation areas within the Town of Westwood and was an active member of the Community Preservation Advisory Committee, and

WHEREAS, he has generously given his time and talent as a founding member of the Westwood Land Trust, a private not-for-profit organization to protect natural land, and

WHEREAS, he spent countless hours on the Comprehensive Plan Steering Committee, to develop the goals, objectives, and implement the actions of the Comprehensive Plan, and

WHEREAS, he repeatedly demonstrated a consistent willingness to make difficult decisions while continually striving to uphold the best interests of the Town, and

BE IT THEREFORE RESOLVED that the Town of Westwood, by vote of those present at the 2011 Annual Town Meeting, officially recognizes and expresses its gratitude to David W. White, Jr. 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 David W. White, Jr.

The John J. Cronin Public Service Award was then presented to Howard J. Messing for his exemplary service, dedication and commitment to the Town of Westwood by Nancy Hyde, Chairman of the Board of Selectmen as follows:

Each year, the John J. Cronin Public Service Award Committee presents this high honor to an individual who has served the Town of Westwood. John Cronin, who served as Westwood's Town Treasurer for many years, gave selflessly of his time and expertise for the betterment of the community both as an elected official and in numerous volunteer capacities. To recognize this same spirit of community involvement as exemplified by John Cronin's life, it is with great pleasure that we have chosen Howard Messing as the ninth recipient of the John J. Cronin Public Service Award.

Howard Messing has displayed exemplary service, dedication and commitment to the Town of Westwood. Through his service on numerous Town boards, Howard has made valuable contributions to the Westwood community.

Howard and his wife Colleen moved to Westwood 21 years ago with their two children Lauren and Sam. Howard attended MIT and graduated in 1973 with a degree in electrical engineering and computer science. He joined Meditech in 1974 as a programmer and has since advanced to his current position of President and CEO for one of the largest privately-held technology companies and a leading software vendor in the health care industry in the world. Meditech is also one of Westwood's largest corporate tenants.

Howard is a true leader; his most important contribution has been to offer his professional technical and business expertise to many boards in the community. While serving on the

Information Systems Advisory Board in 1995 and as Chairman from 1996 to 1998, he assisted in providing advice and guidance in the area of hardware, software and networking to utilize the most modern technology, while ensuring that industry accepted standards regarding items such as privacy, security, and reliability were being followed. Howard was also instrumental in the completion and expanded use of a town wide Geographical Information System (GIS).

In 1998 Howard was appointed to the Finance Commission where he served the Town for seven years and as Chairman in 2004 and 2005. Howard's calm and level headed approach to controversial issues was critical in gaining consensus on some very important issues.

Howard combined his business and public service expertise while serving on the Economic Advisory Development Board in 2005 and also as its Chairman in 2007 and 2008. He provided support for many of the current and future economic engines of our Town, including the encouragement of real estate and major business development proposals, facilitating the permitting process, and making recommendations to the appropriate permit granting authority. Howard participated on the task force formed by the State's Executive Office of Transportation and Mass Highway to inform the design & development phase of the I-93/ I-95 interchange reconstruction.

In his personal life Howard and his family are very involved with the Museum of Science where he has served more than a decade as an overseer and then trustee. Howard is now Chairman of the Museum's Board of Trustees. Howard also remains active at MIT through his affiliation with the Physics Department. Howard is truly a leader and honorable public servant and we are very fortunate to have him in the Westwood community.

On behalf of the John J. Cronin Public Service Award Committee, it is with great pleasure that I present this prestigious award to Howard Messing and we add his name to the plaque which hangs in Town Hall along with previously honored individuals.

An overview of the meeting was then given by Nancy Hyde, Chairman of the board of Selectmen, followed by a financial presentation made by Pamela Dukeman, Finance Director.

Moderator, Anthony J. Antonellis then presented the following articles:

ARTICLE 1

The Finance Commission recommended and the town voted unanimously to appropriate by transfer from available funds the sum of Three Hundred Eighty Thousand Dollars (\$380,000) to supplement the following fiscal year 2011 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Reserve Fund	\$300,000	Snow and Ice	\$213,000
Treasurer Expense	\$5,000	Police Salary	\$100,000
Comprehensive Insurance	\$75,000	COA Salary	\$17,000
		Treasurer Salary	\$5,000
		Legal Budget	\$45,000
Total	\$380,000	Total	\$380,000

ARTICLE 2

The Finance Commission recommended and the town voted unanimously to appropriate by transfer from available funds the sum of Six Hundred Forty-One Thousand Two Hundred Twenty-Two Dollars (\$641,222) to supplement the following fiscal year 2011 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Overlay Surplus (FY11 additional state aid)	\$641,222	School Operating Budget	\$548,041
		Municipal Salary Accounts:	
		Selectmen	\$3,570
		Finance Commission	\$112
		Accounting	\$1,696
		Assessors	\$1,020
		Treasurer	\$880
		Personnel Board	\$1,709
		Information System	\$6,388
		Conservation	\$570
		Land Use	\$53,912
		Economic Development	\$1,075
		Police	\$6,780
		Building	\$2,824
		Animal Control	\$604
		DPW Admin	\$1,421
		DPW operations	\$3,149

		Health	\$1,503
		COA	\$1,160
		Youth	\$1,261
		Library	\$1,352
		Recreation	\$2,195
Total	\$641,222	Total	\$641,222

ARTICLE 3

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of One Hundred Sixty-One Thousand Dollars (\$161,000) to supplement the following fiscal year 2011 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$54,000	Ambulance Services	\$54,000
Ambulance Receipts	\$12,000	Ambulance Services	\$12,000
Overlay Surplus	\$25,000	Assessors Revaluation Services	\$25,000
Free Cash	\$70,000	DPW Salary Overtime – Snow & Ice	\$70,000
Total	\$161,000	Total	\$161,000

ARTICLE 4

The Finance Commission recommended and the Town voted unanimously to rescind certain authorized but unissued borrowings of the Town, or take any other action thereon.

Project	Town Meeting	Warrant Article	Amount
Cemetery Barn	2009 Annual	10	\$150,000

ARTICLE 5

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

ARTICLE 6

The Finance Commission recommended and the Town voted unanimously to see what sum(s) of money the Town will vote 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, 2011, through June 30, 2012, as set forth in Appendix D of the Finance Commission's Report to the 2011 Annual Town Meeting, 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 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>
Animal control officer van	Police	\$30,000	Free Cash
Information Systems Dept - end user technology	IS	\$50,000	Free Cash
Replacement of police vehicles	Police	\$124,000	\$61,500 Taxation/ \$62,500 Free Cash
Fire Chief vehicle	Fire	\$34,000	Free Cash
Deputy Fire Chief vehicle	Fire	\$34,000	Free Cash
Municipal building maintenance/energy upgrade	DPW	\$50,000	Free Cash
Cell audio monitoring system	Police	\$15,000	Free Cash
Drainage infrastructure/storm water quality	DPW	\$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 8

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	\$100,000	\$61,500 Taxation/ \$38,500 Free Cash
Roofing	School	\$274,000	Free Cash
Vehicles	School	\$32,000	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 9

The Finance Commission recommended and the Town voted to raise and appropriate and/or transfer from available funds the sum of One Hundred Sixty Thousand Four Hundred Ninety-Five Dollars (\$160,495) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Inflow/infiltration repair/lining (Full project \$641,495 - MWRA grant/0% loan \$386,000 and available capital \$200,000 from FY11)	Sewer	\$55,495	Sewer User Fees
Inflow/infiltration town wide study phase II	Sewer	\$105,000	\$46,951 Sewer User Fees/\$58,049 Sewer Retained Earnings

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 10

The Finance Commission recommended and the town voted unanimously to appropriate the sum of Four Hundred Sixty Thousand Dollars (\$460,000) for the purchase of the following capital equipment and improvements:

Dump truck sander & plow	\$175,000
Dump truck sander & plow	\$160,000
Sidewalk tractor	\$125,000
Total	\$460,000

and to meet this appropriation , authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of four Hundred Sixty Thousand Dollars (\$460,000) for the cost of said equipment, under and pursuant to Chapter 44, Section 7(9), or any other enabling authority, and to issue bonds or notes of the State, Federal, or other grants or assistance that may be available for such equipment and improvements.

ARTICLE 11

The Finance Commission recommended and the town voted unanimously to appropriate the sum of Four Hundred Fifty Thousand Dollars (\$450,000) to install the Brook Street Culvert Flood Prevention Project, and for the payment of all other costs incidental thereto; and to meet this appropriation, authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of Four Hundred Fifty Thousand Dollars(\$450,000) under and pursuant to chapter 44, Section 7(1),(7),or any other enabling authority, .and to issue bonds or notes of the Town therefor, and to authorize the Board of Selectmen to apply for and accept any State or Federal or other grants or assistance that may be available for such project.

ARTICLE 12

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Purpose	Amount	Funding Source
Stabilization Fund	\$25,000	Taxation

ARTICLE 13

The Finance Commission recommended and the Town voted unanimously to transfer from available funds a sum of money for the Town Wide Emergency Contingency Account to be appropriated for use by majority vote of Town Meeting, or take any other action thereon.

Purpose	Amount	Funding Source
Town Wide Emergency Contingency Account	\$210,000	Free Cash

ARTICLE 14

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 15

The Finance Commission recommended and the town voted by a majority to authorize the Board of Selectmen to petition the General Court to enact special legislation recommended by the Government and Charter Study Task Force Committee providing for a revised Charter for the Town of Westwood as set forth below; which special legislation shall not take effect until acceptance of the legislation by the voters at an election; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments that shall be within the scope of the general public objectives of this petition:

An Act Relative to the Charter of the Town of Westwood

Section 1. The following shall be the Charter of the Town of Westwood:

Chapter C

CHARTER

PREAMBLE: We, the people of the Town of Westwood, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment of the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this town.

CHAPTER 1

POWERS OF THE TOWN

SECTION 1. Incorporation

1-1-1. The present Town of Westwood, Massachusetts, within its corporate limits as now established, shall continue to be a body politic and corporate under the name, Town of Westwood.

SECTION 2. Scope of Town Powers

1-2-1. The town shall possess and exercise all powers possible under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though those powers were expressly enumerated in this chapter.

SECTION 3. Form of Government

1-3-1. This charter provides for a selectmen — open town meeting — town administrator form of town government.

SECTION 4. Construction of Charter

1-4-1. The power of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in section 1-2-1.

SECTION 5. Intergovernmental Relations

1-5-1. The town may exercise, consistent with the provisions of law, any of its powers, or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more civil divisions, subdivisions, or agencies of the Commonwealth, other states, or of the United States government.

CHAPTER 2

ELECTIONS AND TOWN MEETING

SECTION 1. Legislative Power

- 2-1-1. The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

SECTION 2. Town Elections

- 2-2-1. The annual town meeting shall be held on the last Tuesday in April of each year, but the only business to be conducted on that day shall be the election of town officers and the balloting on all matters which are to be determined by official ballot.
- 2-2-2. All General Laws regarding town elections shall apply, except as provided by this charter, or by special act of the legislature.

SECTION 3. Elections to be Nonpartisan

- 2-3-1. All elections of town officers shall be nonpartisan, and election ballots for town officers shall be printed without any party mark, emblem or vignette, or designation whatsoever.

SECTION 4. Eligibility of Town Voters

- 2-4-1. Any registered voter of the town shall be eligible for election to any elective office or board of the town. Any person duly elected to any such office or board shall take up the duties of the office the day after the adjournment sine die of the town meeting at which the individual was elected, unless such office was vacant at the time of the election, in which case the individual shall take up the duties of the office immediately; provided, however, the individual shall first have been sworn to the faithful performance of the individual's duties by the Town Clerk.

SECTION 5. Initiative

- 2-5-1. Petition. Any 10 voters of the town may secure, by written petition to the board of selectmen, the inclusion of an article for the warrant of any duly scheduled annual town meeting, and at least 100 registered voters may secure the same for any duly scheduled special town meeting.
- 2-5-2. Pre-Petition.
- (a) Any 5 voters of the town may submit to the board of selectmen or the finance and warrant commission by a date set by bylaw prior to the annual town meeting a proposed warrant article, and shall designate a lead petitioner.
 - (b) The board of selectmen or the finance and warrant commission shall include the proposed article on an agenda at a regular or special meeting for discussion, and provide the lead petitioner with nonbinding guidance, if any, concerning the same by a date set by bylaw which shall be no later than 7 days prior to the close of the

warrant.

- (c) Failure to submit an article under this section shall not prevent the filing of a petition under section 2-5-1 and any guidance to the petitioners under this section shall not be binding on the finance and warrant commission or board of selectmen in the event the same petition is submitted under section 2-5-1.

SECTION 6. Business Sessions of the Town Meeting

- 2-6-1. Business sessions of the annual town meeting shall be held on the first Monday in May, and may be continued on such additional days as may be decided by the town meeting. There shall also be a second business session of the annual town meeting held in the last 3 months of the calendar year on a date to be determined by the board of selectmen, which meeting shall be deemed an “annual town meeting” for purposes of the General Laws; provided, however, that the board of selectmen may at its discretion, cancel said fall annual town meeting no later than September 15 in any year, so long as no more than 10 petitioned articles have been submitted for inclusion on the warrant at said fall annual town meeting, and notice of the board’s action with regard to such meeting shall be posted on the Town’s website and principal bulletin board. The board’s decision as to whether to hold a fall town meeting shall not prohibit the board from calling for a special town meeting from time to time at its discretion.
- 2-6-2. Rules of procedure of the town meeting shall be determined through bylaw.
- 2-6-3. A journal of the proceedings of the town meeting shall be kept, and it shall be a public record.

SECTION 7. Finance and Warrant Commission Recommendation

- 2-7-1. The finance and warrant commission shall consider all articles in warrants for all town meetings and shall report in writing before each town meeting in the manner provided by bylaw its advice, estimates, and recommendations for consideration by the town meeting, and it shall hold a public meeting with respect to the warrant at least 14 days prior to any town meeting. Failure to timely post, publish or mail such advice, estimates, and recommendations in the manner provided by bylaw shall not affect the validity of the town meeting.

SECTION 8. Quorum

- 2-8-1. The town meeting shall establish by bylaw a quorum requirement for the conduct of its business, but a smaller number than the established quorum may adjourn forthwith any meeting to a stated date, time, and place.

SECTION 9. Presiding Officer

- 2-9-1. A moderator, who shall be a registered voter of the town, shall be elected for a 1 year term. The moderator shall preside at all sessions of the town meeting.
- 2-9-2. If the office of moderator becomes vacant, or if the moderator is absent, the board of selectmen shall appoint an acting moderator for a particular meeting or to serve until the next regular election of town officers.

2-9-3. No elected town officer shall be eligible to be appointed acting moderator.

CHAPTER 3 THE BOARD OF SELECTMEN

SECTION 1. Composition and Terms

3-1-1. A board of selectmen of 3 members shall be elected for 3 year overlapping terms. At each annual town election, 1 selectman shall be elected to fill the office the term of which is expiring. Members may receive such compensation as may be appropriated by the town meeting.

SECTION 2. Powers and Duties

3-2-1. The board shall exercise those powers and duties prescribed by the General Laws, this charter, and town bylaws.

3-2-2. The board shall have the power to establish, in the performance of its duties, rules and regulations not otherwise governed by the General Laws, this charter, and town bylaws.

SECTION 3. Power of Investigation

3-3-1. The board may conduct investigations into the conduct and operation of any town department as authorized by the General Laws.

SECTION 4. Power to Appoint Town Officers

3-4-1. The board shall have the power to fill by appointment the offices of: police chief, fire chief, department of public works director and town counsel.

SECTION 5. Power to Appoint Town Boards and Commissions

3-5-1. The board shall have the power to appoint: a board of health, a council on aging, a conservation commission, a recreation commission, election officers, registrars of voters and such other boards, commissions and committees as are authorized by the General Laws, this charter, town bylaws or the town meeting, for whom appointment is not otherwise provided.

SECTION 6. Power to Rescind Appointments

3-6-1. The board shall have the power to rescind any appointment to any board, commission, committee or individual office made under this chapter, provided that the appointee shall first have been served with written notice of the board's intention, and reasons, for rescinding said appointment.

CHAPTER 4 ELECTED TOWN BOARDS AND OFFICERS

SECTION 1. School Committee

4-1-1. A school committee of 5 members shall be elected for 3 year overlapping terms. Members shall serve without compensation.

4-1-2. The committee shall have general charge of all public schools in the town, under the General Laws, this charter and town bylaws.

SECTION 2. Board of Assessors

4-2-1. A board of assessors of 3 members shall be elected for 3 year overlapping terms. Members may receive such compensation as may be appropriated by the town meeting.

SECTION 3. Sewer Commission

4-3-1. A board of sewer commissioners of 3 members shall be elected for 3 year overlapping terms. Members may receive such compensation as may be appropriated by the town meeting.

4-3-2. The board of sewer commissioners shall be responsible for the development of general goals and long term plans for the town's sewer system and shall also establish the fees, user charges or rates necessary to fully fund the sewer system operations.

SECTION 4. Planning Board

4-4-1. A planning board of 5 members shall be elected for 3 year overlapping terms. Members shall serve without compensation.

4-4-2. The board shall meet regularly and shall maintain a public record of its proceedings, resolutions and determinations. It shall be responsible for the general, physical, economic and environmental planning of the town under the general laws, this charter and town bylaws.

SECTION 5. Library Trustees

4-5-1. A board of 6 library trustees shall be elected for 3 year overlapping terms. Members shall serve without compensation.

4-5-2. The board shall be responsible for the administration and operation of the town library, including staffing, acquisitions, maintenance and the promulgation of library rules and regulations.

SECTION 6. Associate Members

4-6-1 Notwithstanding any general or special law to the contrary, there shall be not more than 2 associate members of each board elected under this chapter who may participate in all board matters. The chairman of the elected board may designate the associate member(s) to sit on the board in the case of absence, inability to act, or conflict of interest, on the part of any member of the board or in the event of a vacancy on the board. The associate members shall be appointed for 3-year rotating terms by majority vote of a joint meeting of the board of selectmen and the elected board being augmented with the associate members. Any vacancies arising

in said position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

SECTION 7. Elected Officers

4-7-1. The following town officers shall be elected by ballot of the whole town: a moderator for a term of 1 year, and a town clerk, a town treasurer, and a tax collector for terms of 3 years. Each officer may receive such compensation as may be appropriated by the town meeting.

SECTION 8. Recall

4-8-1 A holder of an elected office in the Town of Westwood may be recalled from that office by the registered voters of the town under this section, except that the maximum number of members of a board that may be recalled shall be a majority or as otherwise limited by section 4-8-7.

4-8-2 Any 200 registered voters of the Town of Westwood may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Not more than 33 1/3 per cent of the signatures appearing on the affidavit may be from any 1 precinct of the town. The town clerk shall thereupon prepare a sufficient number of copies of petition blanks demanding such recall, a supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with the clerk's signature and official seal attached. Further, such blanks shall be dated, shall be addressed to the selectmen of the town and shall contain the names of the first 10 signers to the affidavit, as designated by the person identified as the lead petitioner at the time of filing of the affidavit, the name and office of the person whose recall is sought and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 20 days after the recall petition blanks are made available to the lead petitioner and shall be signed by at least 15 per cent of the registered voters of the town as of the date of the most recent regular town election, who shall add to their signatures their place of residence, including their street, number and precinct; provided, however, that not more than 33 1/3 per cent of the total number shall be from any 1 precinct.

The town clerk shall, within 24 hours of receipt of the petition, submit the signed petition to the registrars of voters in the town and said registrars shall, within 5 working days, certify on the petition the number of signatures which are names of registered voters of the town.

4-8-3 If the petition shall be found and certified to be sufficient the town clerk shall submit the petition with a certificate to the selectmen within 5 working days, and the selectmen shall, within 5 working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, forthwith order an election to be held on a date

fixed by them not less than 65 nor more than 90 days after the date the board of selectmen calls for said election; provided, however, that if any other town election is to occur within 100 days thereafter, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall proceed as provided in this section.

4-8-4 An officer sought to be removed may be a candidate at such election and, unless such officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for and the conduct of the removal election, shall be in accordance with the law relative to elections unless otherwise provided in this chapter.

4-8-5 An incumbent shall continue to perform the duties of the office until a recall election is held. If not recalled, such officer shall continue in office for the remainder of the unexpired term subject to recall as before, except as provided in Section 4-8-7. If such officer is recalled in the recall election, the officer shall be deemed removed upon certification of the election results. If a successor fails to qualify within 15 days after receiving notification of election, the office shall thereupon be deemed vacant.

4-8-6 Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name and title of officer).

Against the recall of (name and title of officer).

Immediate at the right of each proposition there shall be a location in which a voter may vote for either of said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

4-8-7 No recall petition shall be filed against an officer within 90 days after the officer takes office, nor shall any officer be subject to recall if the officer's term of office expires within 90 days of the town clerk's certificate issued under Section 4-8-3. In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 90 days after the election at which the officer's recall was submitted to the voters.

- 4-8-8 No person who has been recalled from an office or who has resigned from office after the filing of a recall petition shall be appointed to town office within 1 year after such recall or such resignation.

CHAPTER 5 APPOINTED TOWN BOARDS

SECTION 1. Board of Health

- 5-1-1. A board of health of 3 members shall be appointed by the board of selectmen for 3 year overlapping terms. Members shall serve without compensation. One member of the board, who shall not necessarily be the chairman, shall be a doctor of medicine, certified to practice medicine in Massachusetts or a registered nurse with current and valid Massachusetts registration.
- 5-1-2. The board shall exercise such public health functions as may be prescribed by the General Laws, this charter and town bylaws.

SECTION 2. Council on Aging

- 5-2-1. A council on aging of 9 members shall be appointed by the board of selectmen for 3 year overlapping terms. No member will be eligible for reappointment to a third term until and unless 1 year has elapsed from and after the expiration of that member's second full term. Members shall serve without compensation.
- 5-2-2. The council shall coordinate and carry out programs designed to meet the problems of aging persons, in accordance with the General Laws, this charter and town bylaws.

SECTION 3. Conservation Commission

- 5-3-1. A conservation commission of 7 members shall be appointed by the board of selectmen for 3 year overlapping terms in accordance with the General Laws. Members shall serve without compensation.
- 5-3-2. The conservation commission shall exercise such conservation-related functions as may be prescribed by the General Laws, this charter and town bylaws.

SECTION 4. Recreation Commission

- 5-4-1. A recreation commission of 7 members shall be appointed by the board of selectmen for 3 year overlapping terms. Members shall serve without compensation.
- 5-4-2. The commission shall be responsible for the development and supervision of a town recreation program.

SECTION 5. Zoning Board of Appeals

- 5-5-1. A zoning board of appeals of 3 regular members and 6 associate members shall be appointed by the board of selectmen for 3 year overlapping terms. Members

shall serve without compensation.

- 5-5-2. The zoning board of appeals shall exercise such zoning-related functions as may be prescribed by the General Laws, this charter and town bylaws.

SECTION 6. Youth and Family Services

- 5-6-1. A youth and family services commission consisting of no fewer than 3 nor more than 17 members shall be appointed by the board of selectmen for 3 year overlapping terms. A quorum of the commission shall be a majority of those members then in office; provided however, that a lesser number may adjourn from time to time.

- 5-6-2. The youth and family services commission shall carry out programs designed or established to support the development of youth of the town as may be prescribed by the General Laws, this charter and town bylaws.

SECTION 7. Associate Members

- 5-7-1 There shall be not more than 2 associate members of each board appointed under this chapter, other than the zoning board of appeals, and chapter 7, who shall be eligible to participate in all board matters. The chairman of the appointed board may designate the associate members to sit on the board in the case of absence, inability to act, or conflict of interest, on the part of any member of the appointed board or in the event of a vacancy on the appointed board. The associate members shall be appointed for 3-year rotating terms by the board or officer responsible for appointing the board itself, and any vacancies arising in said position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

CHAPTER 6 TOWN ADMINISTRATOR

SECTION 1. Town Administrator

- 6-1-1. The board of selectmen shall appoint a town administrator for an indefinite term to serve at its pleasure, and shall fix the compensation for such person, annually, within the amount appropriated by the town. The board of selectmen may establish an employment contract with the town administrator for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of the duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave.
- 6-1-2. The town administrator shall not have served in an elective office in the town government for at least 12 months prior to appointment.
- 6-1-3. The town administrator shall devote full time to the office and shall not hold any other public office, elected or appointed, nor engage in any business or occupation during such service, unless such action is approved in advance by the board of selectmen; provided, however, that this section shall not prevent the town

administrator from serving, at the direction of the board of selectmen, on any committee as an *ex officio* member, or as the board of selectmen's designee on other committees and boards. The board of selectmen shall provide for an annual review of the job performance of the town administrator.

SECTION 2. Duties

6-2-1. The town administrator shall be the chief administrative officer of the town and shall be directly responsible to the board of selectmen. The town administrator shall supervise, direct and be responsible for the efficient administration of all functions under the administrator's control as may be authorized by the charter, by bylaw, by town meeting vote or by the vote of the board of selectmen, including all department heads and employees appointed by the town administrator or the board of selectmen, and their respective departments, and shall coordinate activities of all town departments. The powers and duties of the town administrator shall include, but not be limited to, the power or duty to:

(a) (i) appoint, discipline, suspend, or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the town administrator shall keep the chairman of the board of selectmen, or the chairman's designee, informed as to status of all personnel decisions made or to be made hereunder, and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department;

(ii) appointments or removals of town officers, department heads or principal deputies or agents of elected and appointed boards or officers made by the town administrator under the preceding paragraph shall become effective on the 15th day following the day notice of proposed appointment or removal is filed with the board of selectmen unless said board shall, within that period, reject such appointment or removal, or has sooner voted to affirm it; copies of notices of proposed appointments as filed with the board of selectmen shall simultaneously be posted on the town bulletin board.

(iii) the town administrator shall consult with the board of selectmen prior to appointing a finance director in accordance with the provisions of section 8-1-2 of this charter; such appointment shall be subject to all other provisions of section 6-2-1(a).

(b) supervise and direct all appointed department heads and principal deputies or agents of part-time or volunteer elected and appointed boards or officers in a manner consistent with the town's personnel policies;

(c) coordinate the activities of all town agencies serving under the office of the town administrator and the office of the board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters;

for this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town; the town administrator shall have the right to attend and speak at any public meeting of any multiple member body;

(d) administer and enforce, to the extent required, the General Laws, special acts of the commonwealth applicable to the town or town bylaws, and all regulations established by the board of selectmen;

(e) attend all regular and special meetings of the board of selectmen, unless excused, and shall have a voice but not a vote in all discussions;

(f) attend all sessions of the town meeting and answer all questions addressed to the town administrator which are related to the warrant articles and to matters under the general supervision of the town administrator;

(g) keep the board of selectmen fully informed as to the needs of the town and recommend to the selectmen for adoption such measures requiring action by them or by the town as the town administrator deems necessary or expedient;

(h) ensure that the complete and full records of the financial and administrative activity of the town are maintained and render reports to the board of selectmen as may be required;

(i) serve as the chief procurement officer under chapter 30B of the General Laws, and be responsible for the procurement and award of all contracts for supplies, services materials, and equipment other than those for the school department and the library; provided, however, that any contract over \$100,000 shall require approval by the board of selectmen;

(j) develop and maintain a formal and complete inventory of all town-owned real and personal property and equipment;

(k) administer personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the personnel board, for all municipal employees; and administer all collective bargaining agreements entered into by the town;

(l) subject to the approval of the board of selectmen, fix the compensation of all officers, department heads, officers and employees appointed by the town administrator or the board of selectmen within the limits established by appropriation and any applicable compensation plan and collective bargaining agreement;

(m) be responsible for the negotiation all contracts with town employees, except employees of the school department, regarding wages and other terms and conditions of employment; collective bargaining agreements negotiated under the authority of this section shall be subject to the approval of the board of selectmen

and to chapter 150E of the General Laws;

(n) prepare, in consultation with the finance director, and submit an annual operating budget and capital improvement plan as provided in section 9-3-1 of this charter and be responsible for its administration after its adoption; transfer funds between individual line-items within a department account at any time during the fiscal year, with the approval of the board of selectmen, provided, that notice of such proposed transfer shall be provided to the board of selectmen and the finance and warrant commission, and shall be posted on the town bulletin board, no less than 14 days prior to said transfer;

(o) keep the board of selectmen and the finance and warrant commission fully informed as to the financial condition of the town and make recommendations to the board of selectmen;

(p) prepare and submit to the board of selectmen at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;

(q) investigate or inquire into the affairs of any town department or office;

(r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility which the office of town administrator may exercise; provided, however, that all acts performed under such delegation shall be deemed to be the acts of the town administrator;

(s) seek out and work to obtain resources from federal, state and other governmental jurisdictions that further town purposes;

(t) approve all payroll and expense warrants for payment of town funds; in the event of the absence of the town administrator, the board of selectmen shall approve such warrants; if a vacancy exists in the office of town administrator, the board of selectmen shall approve all such warrants or may delegate such responsibility to an acting or temporary town administrator appointed pursuant to sections 6-5-1 or 6-5-2 of this charter;

(u) represent the board of selectmen, at its direction, at any county, regional, state, and federal meetings;

(v) supervise the issuance by the board of selectmen of licenses and permits, and schedule all related hearings;

(w) serve as emergency management director, convening meetings and monitoring the centralized management issues during emergencies;

(x) coordinate litigation; authorize and monitor use of town counsel, special counsel and consultants; and

(y) perform such other duties as necessary or as may be assigned by this charter, town bylaw, town meeting vote or vote of the board of selectmen.

SECTION 3. Qualifications

6-3-1. The town administrator shall be appointed solely on the basis of educational, executive, and administrative qualifications and experience. The educational qualifications shall consist of a master's degree granted by an accredited degree granting college or university, in public or business administration or related field, and professional experience shall include at least five years of full-time, compensated service in finance, government law, personnel administration, collective bargaining and/or organization development or extensive experience in working with the public and responding to customer service requests. The board of selectmen may waive the education or experience requirements listed herein if the board determines that an applicant's qualifications provide an equivalent combination of education and experience and that such waiver is in the best interest of the town.

SECTION 4. Acting and Temporary Town Administrator

6-4-1. Acting Town Administrator. The board of selectmen may designate a qualified person to exercise the rights and perform the duties of the town administrator during a temporary vacancy caused by the suspension, removal or resignation of the town administrator. Members of the board of selectmen shall be ineligible to serve in this capacity.

6-4-2. Temporary Town Administrator. With the approval of the board of selectmen, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator. Such delegation shall be made by letter filed with the town clerk and the board of selectmen.

6-4-3. Powers and Duties. The powers and duties of the acting or temporary town administrator, under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations, unless otherwise authorized by the board of selectmen.

CHAPTER 7

BOARDS AND COMMISSIONS APPOINTED BY MODERATOR

SECTION 1. Moderator's Power of Appointment

7-1-1. The moderator shall have the power to appoint members of those boards and commissions authorized under this chapter. Appointments made by the moderator shall in each instance be for a fixed term, and such appointments shall not be subject to review or confirmation by any other person or group.

SECTION 2. Power to Rescind Appointments

7-2-1. The moderator may rescind any appointment to any board or commission made under the authority of this chapter; provided that the appointee shall first have been

served with a written notice of the moderator's intention, and the moderator's reasons, for rescinding the appointment.

SECTION 3. Finance and Warrant Commission

- 7-3-1. A finance and warrant commission of 15 members shall be appointed for 3 year overlapping terms. Members shall serve without compensation, and no member may hold any other elective or appointive town position during the member's term of office.
- 7-3-2. In making appointments to the commission, the moderator shall take into consideration the demographic composition of the town.

SECTION 4. Personnel Board

- 7-4-1. A personnel board of 5 persons shall be appointed for 3 year overlapping terms. Members shall serve without compensation.
- 7-4-2. It shall be the responsibility of the board to administer, and to propose periodic revisions of the town classification and compensation plan, in accordance with the provisions of the General Laws.

SECTION 5. Permanent Building Commission

- 7-5-1. A permanent building commission of not more than 7 members shall be appointed for 3 year overlapping terms. In making appointments to the permanent building commission, the moderator shall endeavor to include town residents with architecture, engineering or construction experience, or knowledge of state public bidding laws. Members shall serve without compensation.
- 7-5-2. Temporary members. For each municipal project, a temporary member who is a member or representative of the appointed or elected board or committee sponsoring or requesting the project, or whose facility would benefit from the project, which project has an estimated cost of more than \$100,000, shall be appointed and may participate for the duration of the project as a voting member of the commission.
- 7-5-3. Ex officio members. For each project, the moderator may appoint town employees or other town residents, with particular expertise or knowledge, to advise the commission related to the particular project. Any such request shall be made to the town moderator, who shall consult with the town administrator with regard to appointment of town employees other than school department employees, and to the superintendent of schools for school department employees. Ex officio members shall have a voice, but no vote, in the proceedings of the commission and shall not count towards the quorum needed to conduct business.
- 7-5-4. The commission shall have charge and direction of the construction and reconstruction of all buildings owned, leased or occupied by the town, and it shall have the power to make recommendations concerning the design, plans, specifications and location of other buildings financed, in whole or in part, by other public funds. From time to time the commission shall consult with the

ultimate user of such buildings concerning said design, plans, specifications and locations of such buildings.

CHAPTER 8 DEPARTMENTS

SECTION 1. Finance Department

- 8-1-1. There shall be a department of municipal finance which shall be responsible for the coordination of all financial services and activities of the town, the maintenance of all accounting records and other financial statements, payment of all obligations, receipt of all funds due, monitoring of and reporting on all fiscal and financial activities of the town, supervision of all purchases of goods, materials and supplies, and maintenance of inventory controls. The department shall include the offices and functions of the town accountant, town treasurer, tax collector and board of assessors; provided, however that although the offices of the town treasurer, tax collector and board of assessors shall be part of the department of municipal finance, such officers shall continue to exercise their respective duties and responsibilities under the General Laws, except as otherwise provided in this charter. The department shall have such additional powers, duties and responsibilities with respect to municipal finance-related functions and activities as the town may from time to time provide by bylaw.
- 8-1-2. Finance Director. The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by the town administrator, after consultation with the board of selectmen, and whose salary shall be fixed annually within the amount appropriated by the town. The appointment, and any discipline, suspension or removal of said finance director shall be undertaken in accordance with the provisions of section 6-2-1(a)(i) through (iii).
- 8-1-3. Finance Director, Qualifications. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The educational qualifications shall consist of a master's degree in finance, accounting or public or business administration, granted by an accredited degree-granting college or university, and professional qualifications shall include at least 3 years of prior full-time compensated service in accounting or business administration, or 5 years or more of such professional experience and a bachelor's degree in an appropriate discipline. At the request of the town administrator, the board of selectmen may waive the education or experience requirements listed herein if the board determines that an applicant's qualifications provide an equivalent combination of education and experience and that such waiver is in the best interests of the town.

The salary, fringe benefits and other conditions of employment of the director of municipal finance, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of the duties of

office, liability insurance, conditions of discipline, termination, dismissal and reappointment, performance standards and leave may be established by contract.

8-1-4. **Finance Director, Duties and Responsibilities.** The director shall be responsible for the supervision and coordination of all financial personnel, tasks and activities of the department in accordance with the charter, General Laws, town bylaws and any applicable rules and regulations. The director of municipal finance may serve as the town accountant and shall be responsible for coordinating the fiscal management procedures of the offices of the town treasurer, tax collector and board of assessors and shall be the administrator of budgeting, including financial reporting, accountability and control, as well as an advisor to the board of selectmen, town administrator, finance and warrant commission, and all other town departments, concerning financial and programmatic implications of current and future financial policies. The director of municipal finance shall provide such assistance to the town administrator as the town administrator shall request with regard to the preparation of the town budget and capital plan, and have such additional duties and responsibilities with regard thereto as set forth in section 6-2-1(n) and chapter 9 of the charter.

SECTION 2. Other Departments

8-2-1 Department of Public Works.

There shall be a department of public works, as established by Chapter 140 of the Acts of 1992, with the powers, duties and responsibilities set forth in that chapter, as said chapter may be amended from time to time.

8-2-2 Fire Department.

There shall be a fire department, as established by vote of the September 9, 1945 Town Meeting accepting the provisions of G.L. c.48, §§42, 43 and 44, with the powers, duties and responsibilities as set forth in such statutes.

8-2-3 Police Department.

There shall be a police department, as established by vote of the March 12, 1951 Town Meeting accepting the provisions of chapter 595 of the Acts of 1948, now codified as G.L. c.41, §97A, with the powers, duties and responsibilities as set forth in that section.

CHAPTER 9 FINANCIAL PROCEDURES

SECTION 1. Fiscal Year

9-1-1. The fiscal year of the town shall commence on July 1 and end on June 30, unless another uniform fiscal year for all towns shall be specified by state law.

SECTION 2. Audit Committee

9-2-1. There shall be an audit committee consisting of 3 members appointed by the board of selectmen for overlapping 3 year terms. The audit committee shall: review annual financial statements of the town financial offices; review the

independent auditor's management recommendations; and provide advice and counsel to the board of selectmen, town administrator and other financial staff.

SECTION 3. Budget - Preparation and Schedule

9-3-1. The town administrator shall prepare an annual operating budget for the town as described in Section 9-4-3. For such purposes, the town administrator shall establish a budget schedule for the development and submission of all departmental budgets to the town administrator and finance director, and for the compilation of a proposed consolidated operating budget for the town, or such schedule may be established by bylaw. The town administrator shall also prepare, in consultation with the finance director, a 5-year capital plan.

SECTION 4. Budgetary Procedures

9-4-1. Not less than 3 months before the business session of the spring annual town meeting, the town administrator shall submit to the board of selectmen for its review and approval a proposed operating budget for the town with a summary budget message and supporting documents, and, in conjunction therewith, a 5-year capital plan. The board of selectmen may make such changes to the proposed operating budget and budget message as it deems appropriate. Following approval by the board of selectmen, the proposed annual operating budget, with summary budget message and supporting documents, and 5-year capital plan, shall forthwith be forwarded to the finance and warrant commission.

9-4-2. The summary budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing year and shall indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes.

9-4-3. The operating budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the finance and warrant commission may require, but it shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by purpose, offices, departments, commissions and committees.

9-4-4. The five-year capital plan shall be designed to address unmet long-range needs and to implement the capital goals and objectives of the town, and shall include all town activities and departments. The capital improvements plan shall include: a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The information required by this section may be revised and extended each year by the town administrator and shall apply each year to capital improvements pending or in the process of construction or acquisition.

9-4-5. The finance and warrant commission shall conduct 1 or more public meetings on the proposed operating budget at least 14 days prior to its submission at the annual town meeting.

9-4-6. The board of selectmen shall be responsible for presenting the proposed operating budget to the town meeting.

9-4-7. Town meeting may, by bylaw, establish additional procedures applicable to consideration and adoption of the budget as are not inconsistent with this charter.

CHAPTER 10 TOWN BYLAWS

SECTION 1. How Proposed

10-1-1. Town bylaws may be proposed in warrant article form in accordance with the provisions of the General Laws and section 2-5-1 of this charter.

SECTION 2. How Adopted and Revised

10-2-1. Adoption of a new bylaw or bylaw revision shall be by a two-thirds vote of those voting at an annual or special town meeting.

SECTION 3. Revision and Publication

10-3-1. The board of selectmen shall ensure that the bylaws are reviewed and prepared for any necessary revision at least every 5 years.

10-3-2. The town clerk shall codify and republish the bylaws every 5 years. Copies shall be made available to all registered voters who request them.

SECTION 4. Continuation of Bylaws

10-4-1. All special acts, bylaws, town meeting resolutions, rules and regulations of the town in force at the time this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force.

CHAPTER 11 SEVERABILITY

SECTION 1.

11-1-1. If any section or partial section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this charter, nor the context in which such section or partial section so held invalid may appear.

CHAPTER 12 CHARTER REVISION

SECTION 1. Proposal of Amendments

- 12-1-1. Amendments to this charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, board of selectmen, or the town administrator may be proposed only by a charter commission elected under the General Laws, or proposed as otherwise authorized by the Massachusetts constitution.
- 12-1-2. Amendments to the charter relating to other matters may be proposed by a two-thirds vote at a duly called town meeting in accordance with the General Laws, or proposed as otherwise authorized by the Massachusetts constitution.

SECTION 2. Adoption of Amendments

- 12-2-1 Proposed amendments under this charter shall be acted upon by ballot of the whole town at a regular or special town meeting for the election of town officers in accordance with the General Laws, or approved as otherwise authorized by the Massachusetts constitution.

SECTION 3. Periodic Review

- 12-3-1. The board of selectmen shall appoint a committee of no fewer than 5 nor more than 9 members to review the charter and bylaws not less than once every 10 years from the date of the last review undertaken in accordance with this section and said committee may make recommendations to a subsequent town meeting to amend said charter and bylaws.

CHAPTER 13 TRANSITIONAL PROVISIONS

SECTION 1. Effective Date

- 13-1-1. This charter shall take effect immediately upon acceptance of a special act enacted by the general court establishing this charter as the charter of the town of Westwood.

SECTION 2. Continuation of Government

- 13-2-1. Each appointed or elected town official holding office on the effective date of this charter shall continue to serve until the expiration of that official's term. All appointed officials serving on the effective date of this charter shall be eligible for reappointment.
- 13-2-2. No officer holding tenure of office by act of the legislature, or vote of the town, or both, shall have the same set aside as the result of the adoption of this charter.
- 13-2-3. Upon the effective date of this charter, the position of executive secretary shall be abolished. The person serving the town in the capacity of executive secretary/town administrator as of the effective date of this charter shall be deemed to be the first appointee to the newly created position of town administrator; provided, however, that nothing in this charter shall restrict the board of selectmen

from reappointing, terminating or taking other employment action with regard to said appointee in accordance with the provisions of this charter.

13-2-4. Upon the effective date of this charter, the position of assistant town administrator/finance director shall be abolished. The person serving the town in the capacity of assistant town administrator/finance director as of the effective date of this charter shall be deemed to be the first appointee to the newly created position of finance director. Provided, however, that nothing in this charter shall restrict the town administrator from reappointing, terminating or taking other employment action with regard to said appointee in accordance with the provisions of this charter.

13-2-5. No contracts or liabilities in force on the effective date of this charter shall be affected by the abolition or creation of appointed offices, the consolidation of financial functions of the town as provided for in this charter, or the newly created appointed offices and municipal finance department and all such newly created offices and departments shall in all respects be the lawful successor of offices and departments so abolished or consolidated.

13-2-6. All records, property and equipment whatsoever of any office, department, or part thereof, the powers and duties of which are assigned in whole or in part to another office or department shall be assigned to such office or department.

Section 2. This act shall be submitted for acceptance to the voters of the town of Westwood at an annual or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the General Court in the year 2011, entitled 'An Act providing for a Charter for the Town of Westwood' be accepted?" The town counsel shall prepare a fair and concise summary of the charter set forth in section 1 of this act to include the most significant proposed changes from the charter currently applicable to the town, subject to approval by the board of selectmen, which summary shall appear below the question on the ballot.

Section 3. Section 2 shall take effect upon passage.

Section 4. Section 1 shall take effect following acceptance of this act by a majority of the registered voters of the town voting at the election specified in section 2, but not otherwise.

or take any other action relative thereto.

ARTICLE 16

The Finance Commission recommended and the Town voted unanimously to authorize the Board of Selectmen to sell the Colburn School and the parcel of land (presently occupied by the Library) upon which it will be relocated, to the business entity that responded to the Request for Proposal (RFP) issued by the Colburn Re-Use Task Force in October 2010 to be used in substantial

conformity to the response to the RFP received by the Town, or if necessary, to a proponent responding to a subsequent RFP, subject to similar proposed uses and conditions, including, but not necessarily limited to, the terms of the agreement reached with the Massachusetts Historical Commission, or to take any other action related thereto.

ARTICLE 17

The Finance Commission recommended and the Town voted unanimously to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Overlay Districts, including the adoption of a new bylaw section entitled Upper Story Residential Overlay District (USROD), as follows, or take any other action in relation thereto:

- 1) Insert a new Section 9.7 [Upper Story Residential Overlay District] to read as follows:

9.7 UPPER STORY RESIDENTIAL OVERLAY DISTRICT (USROD)

9.7.1 **Purpose.** The purpose of the Upper Story Residential Overlay District (USROD) is as follows:

9.7.1.1 to permit the most beneficial redevelopment and reuse of municipal buildings which are no longer required for municipal use;

9.7.1.2 to promote appropriate solutions to the redevelopment of existing buildings in the High Street area.

9.7.2 **Location.** The USROD is herein established as an overlay district. The USROD shall include all properties fronting on High Street, between Barlow Street and Gay Street, which were improved with one or more buildings and were either municipally-owned as of January 1, 2011 or are municipally-owned at the time of application.

9.7.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all USROD Special Permits.

9.7.4 **Special Permit Required.** Development under this Section requires a USROD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the USROD Special Permit. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the USROD Special Permit, and no separate EIDR Approval shall be required.

9.7.5 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the USROD may be used for any purpose permitted as of right or by special permit in the underlying district. In addition, one or more upper story dwelling units may be permitted to the extent authorized under a USROD Special Permit.

9.7.6 **Regulations.** Unless the Planning Board adopts specific rules and regulations for the administration of this Section, the Planning Board's General Special Permit Granting

Authority Rules and Regulations shall apply (henceforth referred to as the “Rules and Regulations”).

9.7.7 **Environmental Impact and Design Standards.** The standards set forth in Section 7.3.7 for EIDR shall be utilized by the Planning Board to review and evaluate all applications pursuant to this Section. Alterations and/or additions to existing buildings shall be consistent with the historic architectural character of those existing buildings, and, where possible, shall be harmoniously related to nearby pre-existing structures.

9.7.8 **Parking Standards.** Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. Parking shall be primarily located such that parking spaces are not between the building and High Street.

9.7.9 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a USROD Special Permit.

9.7.9.1 **Application and Submittal Requirements.** An application for a USROD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.

9.7.9.2 **Planning Board Review.** The Planning Board’s review and consideration of an application for USROD Special Permit shall be in conformance with the Rules and Regulations.

9.7.9.4 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a USROD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.

9.7.9.5 **Special Permit Decision.** A USROD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.

9.7.9.6 **Conditions.** A USROD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.

9.7.9.7 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for USROD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.

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2) Amend Section 2.0 [Definitions], by adding a new sub-section to read as follows, and renumber sections as appropriate:

2.123 Upper Story Dwelling Unit A residential dwelling unit located on one or more stories above a ground story use.

- 3) Add a new reference for Upper Story Residential Overlay District to the Official Zoning Map, and delineate such district on said map accordingly;
- 4) Amend Section 3.1.3 [Overlay Districts], by adding the category “Upper Story Residential Overlay District (USROD)”;
- 5) Amend Section 4.2 [Notes for Table of Principal Uses], note 9, by adding the category “Upper Story Residential Overlay District (USROD)” to the end of the section;
- 6) Amend Section 7.1 [Earth Material Movement], Subsection 7.1.1 [Special Permit Required], by adding the category “Upper Story Residential Overlay District (USROD)” to the end of the section.

ARTICLE 18

The Finance Commission recommended and the Town voted unanimously to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Overlay Districts, including the adoption of a new bylaw section entitled Flexible Multiple Use Overlay District (FMUOD), and the elimination of an existing bylaw section entitled Planned Development Area Overlay District (PDAOD), including the following, or take any other action in relation thereto:

- 1) Remove Section 9.5 [Planned Development Area Overlay District] in its entirety, and insert a new Section 9.5 [Flexible Multiple Use Overlay District] to read as follows:

9.5 FLEXIBLE MULTIPLE USE OVERLAY DISTRICT (FMUOD)

9.5.1 **Purpose.** The purpose of the Flexible Multiple Use Overlay District (FMUOD) is as follows:

- 9.5.1.1 to provide a desirable mix of land uses, including office, retail, service and residential uses, that will serve Town and regional interests in housing, employment, conservation and net tax revenue;
- 9.5.1.2 to promote creative, efficient and appropriate solutions to the development of complex sites and encourage redevelopment of underutilized properties by providing greater flexibility of design and promoting more efficient use of land while remaining sensitive to surrounding properties and natural resources;

- 9.5.1.3 to encourage the development of comprehensive projects of appropriate scale in transit-oriented locations and areas that provide proximate access to major transportation routes;
 - 9.5.1.4 to promote walking, bicycling, and public transportation, by encouraging complementary uses and facilities that support such objectives;
 - 9.5.1.5 to encourage a comprehensive approach to site design, by considering buildings, open space, landscaping and site amenities, circulation patterns and parking, in an integrated manner, so as to create an aesthetically pleasing environment, without causing substantial detriment to abutting neighborhoods; and
 - 9.5.1.6 to eliminate duplication of effort and foster coordination between applicable town boards and committees, which may be responsible for review of a proposed development project.
- 9.5.2 **Location.** Five distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 and FMUOD 5 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:
- 9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.
 - 9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.
 - 9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.
 - 9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.
 - 9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.
- 9.5.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all FMUOD Special Permits.

- 9.5.4 **Regulations.** The Planning Board shall adopt rules and regulations for the administration of this Section (henceforth referred to as the “Rules and Regulations”). Such Rules and Regulations shall include, but not be limited to, the following: application and submittal requirements, fees, review procedures, reimbursement for consultants, performance guarantees, and procedures for the consideration of permit extensions.
- 9.5.5 **Special Permit Required.** Development under this Section requires a FMUOD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the FMUOD Special Permit. In such case, a consolidated Special Permit Application shall be acted upon by the Planning Board in accordance with the requirements of this Section, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the FMUOD Special Permit, and no separate EIDR Approval shall be required.
- 9.5.6 **Phased Developments.** Development under this Section may be approved in one or more phases authorized under a single FMUOD Special Permit. The FMUOD Special Permit for a project approved for development in two or more phases shall include an approximate development timeline and anticipated construction schedule in conformance with the Rules and Regulations. An FMUOD Special Permit for a phased development shall be granted by the Planning Board based on the Planning Board’s approval of final plans for one or more early phases of the development, along with the Planning Board’s approval of preliminary plans for future phases of the development. In such instance, the FMUOD Special Permit shall be amended by Planning Board approval of final plans for each subsequent phase of development as such plans become available.
- 9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 or FMUOD 5, whether held in common or separate ownership. If the application for a FMUOD Special Permit involves more than one ownership, all owners of property within the FMUOD shall be a party to the application and upon granting of a special permit shall be subject to its provisions. Where separate land owners are related by a single controlling entity, the Planning Board may require such controlling entity to be a joint applicant subject to the terms of each FMUOD Special Permit issued on land owned by any of its dependent entities.
- 9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.
- 9.5.8.1 **Uses Permitted by FMUOD Special Permit in any FMUOD:**
- 9.5.8.1.1 Bank or financial institution;
 - 9.5.8.1.2 Business service establishment;
 - 9.5.8.1.3 Coffee shop;

- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Fast order food establishment, provided such establishment is wholly within an office or other non-retail building and is not presented as available for use of the general public;
- 9.5.8.1.8 Ice cream shop;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Research and development facility;
- 9.5.8.1.14 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Retail sales and services establishment, less than 15,000 sq. ft.;
- 9.5.8.1.16 Shuttle service system.

9.5.8.2 Additional Uses Permitted by FMUOD Special Permit in FMUOD1:

- 9.5.8.2.1 Fast order food establishment, not within 300 feet of a residentially-zoned parcel not included within the project authorized by FMUOD Special Permit;
- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.7 Retail sales and services establishment, 15,000 sq. ft. or more.

9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:

- 9.5.8.3.1 Hotel.

9.5.8.4 Uses Permitted by FMUOD Special Permit in FMUOD3:

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Multi-family dwelling.

9.5.8.5 Accessory Uses Permitted by FMUOD Special Permit in all FMUOD districts: Any use accessory to a use permitted by FMUOD Special Permit may be permitted pursuant to that same permit, irrespective of whether such use is located on the same lot as the principal use, provided that the principal use to which such use is accessory shall be clearly identified, and further provided that such accessory use shall be specifically reviewed and approved by the Planning Board in the FMUOD Special Permit.

9.5.9 Alternative Dimensions. The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirements, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific

project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>
9.5.9.1	Minimum Project Area	30 acres	5 acres	10 acres	5 acres	5 acres
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet ¹	80 feet	45 feet	45 feet	45 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 ²	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity

¹ Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor’s Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred seventy-eight and one-half (178.5) feet above sea level.

² Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor’s Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum floor area ratio of no more than 1.2.

9.5.10 Alternative Parking Arrangements. The alternative parking arrangements set forth in Sections 9.5.10.1 through 9.6.10.2 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

9.5.10.1 Parking Space Requirements. Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. In making such determination, the Planning Board may consider complementary uses and activities having different peak demands, transportation demand management (TDM) measures, and such other means as may be applicable.

9.5.10.2 Joint Off-street Parking. Joint off-street parking arrangements may be permitted when determined by the Planning Board to be appropriate.

9.5.11 **Alternative Sign Requirements.** The alternative sign requirements set forth in Sections 9.5.11.1 through 9.6.11.10 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

9.5.11.1 **Definitions.** For the purposes of these alternate sign requirements, the following terms shall be defined as indicated below:

9.5.11.1.1 **Awning Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.

9.5.11.1.2 **Development Identification Sign.** A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.

9.5.11.1.3 **Directional Sign.** A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. “No Parking”, “One Way”, “No Outlet”, and “Do Not Enter” are examples of directional signs.

9.5.11.1.4 **Directory Sign** A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.

9.5.11.1.5 **Projecting Sign.** A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that any part of said sign extends more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.6 **Temporary Construction Sign.** A sign at a site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information.

9.5.11.1.7 **Wall Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.8 **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and

parking areas related to said business establishments. “Retail Center Parking”, “Shuttle Bus Stop Ahead”, “Exit to Providence Highway”, “Additional Parking in Rear” are examples of way finding signs.

9.5.11.1.9 **Window Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

9.5.11.2 **Development Identification Sign.** A project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2) faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

9.5.11.3 **Individual Business Identification Signs.** Individual business identification signs shall be permitted as follows:

9.5.11.3.1 **Wall or Awning Signs.** Any combination of wall signs and awning signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, up to a maximum of two hundred (200) square feet of wall and/or awning signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. In no case shall any individual letter exceed five (5) feet in height, nor shall any logo or graphic representation exceed ten (10) feet in height. Awning signs shall have at least 8 feet clearance above the pedestrian grade and shall be setback at least 4 feet from the adjacent curb. No awning sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Wall signs and/or awning signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.2 **Projecting Signs.** One projecting sign may be permitted for any individual business establishment. A projecting

sign shall have two (2) legible faces, each of which shall not exceed eight (8) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 4 feet from a building facade. No such projecting sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Projecting signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.3 **Window Signs.** Window signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, up to a maximum of fifty (50) square feet of window signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Window signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.4 **Directional Signs.** Directional signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional signs shall not exceed two (2) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.

9.5.11.5 **Way Finding Signs.** Way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

9.5.11.6 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed

thirty-five (35) square feet in area and shall have a maximum height of seven (7) feet above ground.

- 9.5.11.7 **Temporary Construction Signs.** Temporary constructions signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.8 **Way Finding Signs.** Way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.
- 9.5.11.9 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed thirty-five (35) square feet in area or seven (7) feet in height.
- 9.5.11.10 **Temporary Construction Signs.** Temporary constructions signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area or six (6) feet in height. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.11 **Prohibited Signs.** Billboards, roof signs, internally illuminated signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.5.11.5), flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any project authorized under a FMUOD Special Permit. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such signs meet all other provisions of this Section.
- 9.5.11.12 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways,

conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.

9.5.11.13 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

9.5.12 **Waivers.** The Planning Board may grant waivers from some or all of the requirements set forth in Sections 9.5.9 through 9.5.11, and/or some or all of the dimensional, parking and sign requirements contained elsewhere in this bylaw if, in its determination, such waivers will result in a substantially improved project, and if, in its determination, such project will otherwise meet the performance and design standards set forth in this Section, and if, in its determination, such waiver will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of this Section.

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than one-third (1/3) of the total gross floor area of any project authorized under a FMUOD Special Permit. The gross floor area of housing units granted occupancy permits pursuant to the FMUOD Special Permit shall at no time exceed the gross nonresidential floor area granted occupancy permits pursuant to said FMUOD Special Permit.

9.5.14 **Housing Affordability Requirements.** In any project authorized under a FMUOD Special Permit which will result in the development of more than ten (10) new residential units, a minimum of fifteen percent (15%) of total housing units shall be “affordable” as defined in the Rules and Regulations, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said units shall count toward Westwood’s requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

9.5.15 **Performance and Design Standards.** No FMUOD Special Permit shall be granted unless the Planning Board finds that the project meets the following performance and design standards:

9.5.15.1 **Performance Standards.**

9.5.15.1.1 **Environmental Impact Standards.** All FMUOD projects shall conform to all applicable Environmental Impact Standards, including but not limited to the following areas of potential impact:

9.5.15.1.1.1 **Air Quality.** Any use or activity which requires an air quality permit from the Massachusetts Department of Environmental Protection (MA-DEP) or successor agencies, under 310 CMR 6.00 to 8.00, as amended from time to time, shall require the submission of documentation that such air quality permit has been applied for or obtained.

9.5.15.1.1.2 **Noise.**

- a. Any use or activity on a property shall not produce sound pressure levels that exceed an existing background sound pressure level in excess of:
 - i. 10dBA at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
 - ii. 15dBa at any outer perimeter boundary of the development tract that abuts any predominantly non-residential district.
 - iii. 15dBa anywhere within the development tract.

Background or existing sound pressure level is defined as the level on the A-weighted sound pressure scale that is exceeded 90% of the time in the quietest 60 minute time interval that occurs during any hours of operation.

- b. Impulsive or intermittent sounds shall not exceed the sound pressure level limits in 9.6.14.1.1.2, a. i., ii. & iii. above, for a duration not to exceed a cumulative total of one minute within any single hour.

- c. No user or activity shall produce a sound pressure level that is in excess of:
 - i. 50dBA nighttime and 60dBA daytime at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
 - ii. 60dBA nighttime and 65dBA daytime at any perimeter boundary of the development tract that abuts any predominantly non-residential district.
 - iii. 65dBA anywhere within the development tract.
- d. “Pure tone” conditions that are typically produced by facilities such as heating, ventilation and air conditioning systems, outdoor transformers or energy generation systems shall be designed so as to generally comply with widely-applied standards for pure tone levels from the American Noise Standards Institute/American Standards Association. ANSI/ASA S3.21-2004 (R2009) as amended from time to time.

9.5.15.1.1.3 **Vibration.** Any use or activity shall not produce vibration, measured at any receptor internal or external to the permitted site, that exceeds the combined-axis, one-third octave band vibration accelerations of the American National Standards Institute, Section 3.29 or currently applicable standards regulating human vibration exposure, or associated sound levels in the 31.5 Hz octave band or lower, in which a sound

pressure level of 65 dB is exceeded. Exceptions shall include public gatherings and special events, emergency and public safety vehicle operations, use of outdoor maintenance equipment, temporary construction of buildings or infrastructure, or similar activity conducted for public benefit.

9.5.15.1.1.4 **Electrical Disturbances.** Any use or activity shall not produce electromagnetic interference on a repeat or prolonged basis, in any electrical or electronic device used by receptors internal or external to the permitted site.

9.5.15.1.1.5 **Cultural, Historical and Archeological Resources.** Where there is evidence on a development tract of a resource that is on or eligible for inclusion on the Massachusetts Register of Historic Places, or where the tract overlies a designated Historic District under state or federal auspices, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to the cultural, historic or archaeological resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.6 **Natural Resources and Habitat.** Where there is evidence on a development tract of sensitive natural resources, whether in the form of vegetation communities, wildlife habitat or hydrological systems, especially as identified in the Massachusetts Natural Heritage Program, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to those resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.7 **Construction Solid Waste Management.** An application shall include documentation of satisfactory

arrangements for the disposal of tree stumps and debris resulting from construction. An application shall also include documentation of satisfactory permanent arrangements for on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

9.5.15.1.1.8 **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the infrastructure shall be subject to reasonable visual mitigation requirements, including but not limited to, modified site location, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods determined by the Planning Board to be necessary to assure an attractive visual environment.

9.5.15.1.2 **Water Quality.** If a site authorized for development pursuant to a FMUOD Special Permit is located within a Water Resources Protection Overlay District established under Section 9.3 of this Bylaw, and any use or activity subject to said special permit requires a special permit under Section 9.3.5 therein, the Planning Board shall be the Special Permit Granting Authority for the Water Resources Protection Special Permit, and that required special permit shall be consolidated into the FMUOD Special Permit.

9.5.15.1.3 **Compatibility of Uses and Activities.** Any development authorized under a FMUOD Special Permit must contain a compatible mix of uses sufficiently advantageous to the Town. Developers are strongly encouraged to include a beneficial mix of office and non-office uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.

9.5.15.2 **Design Standards.**

9.5.15.2.1 **Building Design.**

9.5.15.2.1.1 **Context.** Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. The Planning Board may require a modification in massing or layout so as to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing,

9.5.15.2.1.3 **Visual Relief.** Structures shall include one or more features which create visual relief, such as varied roof lines, articulated building facades, including a higher level of treatment on one or more primary facades as designated by the Planning Board; elements of transparency or windows within a facade to provide architectural contrast and interior views; breaking up of continuous building surface by providing space between structures and/or jogs in the building line or plane; signs, vertical free-standing elements or other elements. Complementary use of public pedestrian spaces may also be considered as a contributory element.

9.5.15.2.1.4 **Energy Efficiency.** Insofar as practicable, projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating

and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

9.5.15.2.2 **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall comply with the applicable standards contained in the Planning Board's Rules and Regulations Governing the Subdivision of Land, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation. The Planning Board may waive any such provisions to permit an alternate design standard, if in its determination, doing so enhances the project, is consistent with the purposes of this Section, and does not negatively impact access, safety, or environmental protection.

9.5.15.2.3 **Circulation, Traffic Impact & Public Street Access.** Development authorized under a FMUOD Special Permit shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates all feasible transportation modes, vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include separated pedestrian and bicycle circulation, wherever feasible. Review of site circulation shall include: entrances and approaches, ramps, walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated to the satisfaction of the Planning Board. Each facility, to the extent feasible, shall accommodate alternative means of transportation, including bicycle routes and pedestrian ways separated by grade or physical division from vehicular circulation;

internal shuttle bus routes where warranted; accommodation of vehicles for regional transit connections; and convenient and safe connections to sidewalks and streets in adjacent business areas and neighborhoods, in order to encourage non-vehicular travel. Minor improvements designed to facilitate alternative transportation, such as shuttle bus turn-outs at individual buildings, bicycle racks, and directional signage shall be provided to the satisfaction of the Planning Board.

9.5.15.2.4 **Open Space and Common Landscaped Areas.**

9.5.15.2.4.1 **Attractive Utilization of Existing Open Space.** Existing natural landscapes, including trees and vegetation, shall be preserved in their natural state ~~to~~ in so far as practicable. Such open space may be attractively utilized to meet minimum open space requirements, buffering and screening needs, or landscaping requirements. Existing surface waters shall be similarly used as a site amenity, subject to protection under the MA Wetlands Protection Act. All open space which cannot be preserved in its natural state shall be replanted as far as practicable with new plantings that establish similar effects on the landscape.

9.5.15.2.4.2 **Site Disturbance.** Soil removal shall be minimized and major grade changes avoided, in so far as practicable. Grade changes and elevations shall be consistent with adjacent developed areas in so far as practicable.

9.5.15.2.4.3 **Public Amenity Areas.** Development authorized under a FMUOD Special Permit shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways, driveways and parking surfaces. Public amenity areas shall be designed to maximize visibility for

persons passing the site or viewing it from nearby properties. The Planning Board may accept other public amenities which, in its determination, are appropriate for the development in substitution of such public amenity area.

9.5.15.2.5 **Stormwater Management.**

9.5.15.2.5.1 **General.** Stormwater management systems serving the proposed development shall be designed in conformance with the Massachusetts Department of Environmental Protection Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs and canopies in a manner that avoids adverse drainage impact on any neighboring property.

Where possible, the review of stormwater plans and associated materials by the Planning Board shall be coordinated with any Conservation Commission review of the same.

9.5.15.2.5.2 **Erosion and Sedimentation Controls.** A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts.

9.5.15.2.5.3 **Alternative Design.** Where space, topography, soils and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems. Examples of LID practices include, but are not limited to vegetated swales, filtration strips, rain gardens or other bio-retention cells, disconnection of impervious surface areas, reduction of impervious surface, retention of existing open space, vegetated rooftops, and other methods.

9.5.15.2.6 **Off-Street Parking.**

9.5.15.2.6.1 **Parking Types and Design.** Any combination of surface, under-building and structured parking may be included in development authorized under a FMUOD Special Permit, provided that the parking plan is found by the Planning Board to be adequate to meet the purposes of this section. Parking may be provided at ground level, but with preference given to sub-grade or structured parking. In all cases, parking areas shall be designed to minimize paved surface area. In developments or portions of developments where structures are at or close to the street line in an urban or village layout, parking shall generally be located to the sides, rear, or below said structures.

9.5.15.2.6.2 **Surface Lots.** Surface parking lots shall generally be provided in multiple, distinctly separated lots, screened and landscaped in accordance with Section 6.1.17. Separation of parking lots may occur by means of intervening open space, landscaped areas, buildings or other structures, streets or physical elements clearly delineating a division between two or more parking lots. The number of entrances and exits shall be the minimum necessary to ensure traffic safety.

9.5.15.2.6.3 **Parking Structures.** Parking structures may be free-standing or may be integrated into the structural design of a building containing a principal use authorized by the FMUOD Special Permit. Parking structures and decks shall contain architectural facing or other articulation or visual relief on all primary or highly visible facades, as determined by the Planning Board.

9.5.15.2.6.4 **Pedestrian Facilities.** Sidewalks or multi-purpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces or

other destination points within the development.

9.5.15.2.6.5 **Loading Areas.** Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street or way while loading or unloading, or while waiting to load or unload.

9.5.15.2.7 **Exterior Lighting.**

9.5.15.2.7.1 **General.** Exterior lighting specifications and requirements shall be in compliance with Section 6.4.

9.5.15.2.7.2 **Design Standards.** Lighting shall be designed so as to avoid light trespass and glare on adjacent neighborhoods, business areas and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally used areas shall be reduced after business hours, particularly where access is limited by gated entry.

9.5.15.2.8 **Public Utilities, Water and Sewer Systems.** All developments authorized under a FMUOD Special Permit, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.

9.5.15.2.9 **Communications Facilities.** All towers, antennas and poles permitted under a consolidated FMUOD Special Permit with consolidated WCOD Special Permit shall be sited, designed and sized to have minimal visual impact on nearby properties.

- 9.5.16 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a FMUOD Special Permit.
- 9.5.16.1 **Pre-application Conference.** Applicants may elect to submit, prior to filing a special permit application, a preliminary application and sketch plan as the basis for preliminary discussion with the Planning Board, following which the Board shall provide non-binding guidance in regard to the development proposal. The Board may consult with other regulatory departments and committees in the formulation of its response . The sketch plan shall meet the submission requirements specified in the Rules and Regulations.
- 9.5.16.2 **Application and Submittal Requirements.** An application for a FMUOD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.
- 9.5.16.3 **Planning Board Review.** The Planning Board’s review and consideration of an application for FMUOD Special Permit shall be in conformance with the Rules and Regulations.
- 9.5.16.4 **Public Hearing Required.** The Planning Board shall hold a public hearing within sixty (60) days of the filing date of said application and shall render a decision within one hundred and eighty (180) days from the date of the opening of the public hearing. Failure to take final action within the one hundred and eighty (180)-day period shall be deemed to be a constructive approval of the special permit, unless the applicant and the Planning Board execute a written extension agreement.
- 9.5.16.5 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a FMUOD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 9.5.16.6 **Special Permit Decision.** A FMUOD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.
- 9.5.16.7 **Conditions.** A FMUOD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use,

including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.

- 9.5.16.8 **Performance Guarantee.** The Planning Board may require that the applicant provide a performance guarantee, in the form and amount required pursuant to the Rules and Regulations.
- 9.5.16.9 **Impact Mitigations.** Since approval of a FMUOD Special Permit authorizes substantial increases in permissible densities of population and employment, a condition of the FMUOD Special Permit shall be that the project shall mitigate some or all of the impacts of those density increases on water and sewer utilities, off-site traffic circulation, facilities, and schools through grants and incentives obtained from other agencies, or from contributions at the expense of the applicant.
- 9.5.16.10 **Non-Regulatory Agreements.** Development under a FMUOD Special Permit, in addition to compliance with provisions of this Section and other regulatory provisions, may involve memoranda of understanding or non-regulatory agreements reached between the Applicants and the Town, and possibly other entities. Said non-regulatory agreements shall be incorporated by reference and made part of a FMUOD Special Permit.
- 9.5.16.11 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for FMUOD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.
- 9.5.16.12 **Special Permit Modification.** Once a FMUOD Special Permit has been granted by the Planning Board, any subsequent change which the Building Commissioner determines will substantially affect or alter the visual appearance of the project, or of any building facade or roof within the project, or will substantially affect or alter traffic flow, or will constitute a significant modification to the site plan, will be considered a major modification, and will require the submission of an application for amendment of the FMUOD Special Permit. Said application for amendment shall be considered in accordance with the same standards and procedures set forth in this Section for the approval of the original application. Any modification, which the Building Commissioner determines not to rise to the level of a major modification, shall be considered a minor modification, and may be authorized by a majority vote of the Planning Board. However, if the Planning Board in its review determines such modification to constitute a major modification, it shall require the submission of an application for amendment of the FMUOD Special Permit.
- 9.5.16.13 **Appeals.** Appeals to a court of competent jurisdiction may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. Such appeals shall be filed in court within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

9.5.16.14 **Lapse.** A FMUOD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the FMUOD Special Permit. The Planning Board may extend such approval, for good cause, upon the written request of the applicant pursuant to procedures established under the Rules and Regulations.

9.5.17 **Superseding Provisions.** In the event of any conflict between the provisions of this Section and other sections of the Zoning Bylaw, the provisions of this Section shall govern and control. Following the completion of construction of a project developed pursuant to a FMUOD Special Permit granted under this Section, all requirements applicable to underlying zoning shall be superseded by the terms and conditions of the FMUOD Special Permit.

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- 2) Remove all references to and delineations of Planned Development Area from the Official Zoning Map;
 - 3) Add new references for Flexible Multiple Use Overlay District 1, Flexible Multiple Use Overlay District 2, Flexible Multiple Use Overlay District 2, Flexible Multiple Use Overlay District 4, and Flexible Multiple Use Overlay District 5 to the Official Zoning Map, and delineate such districts on said map accordingly;
 - 4) Amend Section 3.1.3 [Overlay Districts], by replacing the words “Planned Development Area Overlay District (PDAOD)” with the words “Flexible Multiple Use Overlay District (FMUOD)”;
 - 5) Amend Section 4.2 [Notes for Table of Principal Uses], note 9, by replacing the words “Planned Development Area Overlay District (PDAOD)” with the words “Flexible Multiple Use Overlay District (FMUOD)”;
 - 6) Amend Section 7.1 [Earth Material Movement], Sub-section 7.1.1 [Special Permit Required], by replacing the words “Planned Development Area Overlay District (PDAOD)” with the words “Flexible Multiple Use Overlay District (FMUOD)”.

ARTICLE 19

The Finance Commission recommended and the Town voted unanimously to approve certain amendments to the Westwood Zoning Bylaw related to Special Residential Regulations, including the adoption of a new bylaw section entitled Open Space Residential Development (OSRD), and the elimination of two existing bylaw sections entitled Flexible Development and Fifty Percent Bonus, including the following, or take any other action in relation thereto:

- 1) Remove Section 8.3 [Flexible Development] and Section 8.4 [Fifty Percent Density Bonus] in their entirety, and insert a new Section 8.3 [Open Space Residential Development] to read as follows, and renumber sections as appropriate:

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT.

8.3.1 **Purposes.** The purposes of Open Space Residential Development (OSRD) are as follows:

- 8.3.1.1 to conserve natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community;
- 8.3.1.2 to lessen the amount of disturbance to soils, topography and vegetation on the site, and to provide roads and infrastructure in more efficient and less intrusive ways than with conventional subdivisions;
- 8.3.1.3 to provide the opportunity for more flexibility and imagination in the design of residential developments;
- 8.3.1.4 to assure that the 4-step Design Process (as defined in 8.3.10.3.3) guides the design of an OSRD by identifying the resources and amenities to be protected, prior to laying out buildings, roadways, and lots;
- 8.3.1.5 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character.

8.3.2 **Definitions.** For the purposes of this Section, the following terms are defined:

- 8.3.2.1 **Single-family Attached Dwelling Units.** Single-family attached dwelling units shall mean buildings where two (2) or more individual single-family dwellings units are physically connected to like dwellings for at least a portion of one or more of their exterior walls. Single-family attached dwelling units may include townhouses in traditional row or other configuration or shape; or individual single-family dwellings units meeting at a common lot line. Single-family attached dwelling units shall not include any building where any dwelling unit is located above or below any other dwelling unit.
- 8.3.2.2 **Cluster.** Cluster shall mean a distinct area or “pod” of housing within an OSRD development, separated physically and visually from other clusters of housing by open space and/or other facilities or common areas.
- 8.3.2.3 **Tract.** Tract shall mean the boundaries and area of the original parcel of land proposed for the OSRD, prior to further division.

8.3.3 **Eligible Districts.** An OSRD shall be permitted only within the Single Residence B (SRB), Single Residence C (SRC), and Single Residence E (SRE) districts, pursuant to the requirements of this Section.

8.3.4 **Minimum Tract Requirements.** The minimum tract of land for an OSRD shall consist of one parcel or two or more contiguous parcels, with a minimum area of 120,000 square feet in SRB, 160,000 square feet in SRC, and 200,000 square feet in SRE, prior to further

division. The Planning Board may make a finding that two or more parcels separated by a road or other infrastructural element are effectively contiguous if such is consistent with the purposes of this Section.

8.3.5 **Uses Allowed As of Right.** The following uses are allowed as of right in an OSRD:

8.3.5.1 Detached single-family dwelling units.

8.3.6 **Special Permit Uses.** The following uses are only allowed by OSRD Special Permit in an OSRD:

8.3.6.1 Single-family attached dwelling units;

8.3.6.2 Density bonus dwelling units.

8.3.7 **Facilities and Amenities.** The following facilities and amenities are allowed in an OSRD:

8.3.7.1 Common open space areas for active or passive recreation, preservation of habitat and natural resources, maintenance of scenic amenities, buffering between uses, both within the site and from abutting properties, connecting greenways to abutting protected open space, lawn and landscaped areas within the site, pedestrian and bicycle trails, and similar features;

8.3.7.2 Recreational amenities primarily for residents of the OSRD, including but not limited to: a community center, swimming pool, beach, tennis court, or children's playground;

8.3.7.3 Accessory uses necessary to the operation and maintenance of the development, including but not limited to detached structures for parking, sheds for equipment and tool storage, structures housing heating/ventilating and air conditioning, pumping stations or similar facilities, and energy generating facilities allowed by this bylaw.

8.3.8 **Planning Board Approvals Required.**

8.3.8.1 **Subdivision Approval Required.** When applicable under M.G.L. c. 41, § 81K through § 81GG and the Westwood Rules and Regulations Governing the Subdivision of Land, an OSRD shall require a Definitive Subdivision Plan approval. No building permit shall be issued for any new structure within an OSRD subdivision prior to the recording of an endorsed Definitive Subdivision Plan with the Norfolk Registry of Deeds.

8.3.8.2 **Site Plan Approval Required.** An OSRD shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this bylaw, and no building permit shall be issued for any structure within the OSRD prior to the recording of the EIDR Approval in the office of the town clerk.

8.3.8.3 **Uses Requiring Special Permit.** An OSRD containing one or more structures of single-family attached housing, and/or one of more density bonus dwelling units, shall require an OSRD Special Permit issued by the Planning Board in addition to the required EIDR Approval, and no building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD Special Permit and EIDR Approval in the office of the town clerk.

8.3.9 **Density and Dimensional Requirements.**

8.3.9.1 **Base Density from Underlying District.** The base number of dwelling units allowed in an OSRD shall be determined by the minimum lot size in the underlying district, SRB, SRC, and SRE, except as provided in Section 8.3.4.4 herein in regard to allowed density bonuses.

8.3.9.2 **Yield Calculation.** The maximum base number of dwelling units to which an OSRD is entitled shall be determined by the Planning Board following the submission of a Yield Calculation, as set forth below. The Yield Calculation shall be submitted as part of the EIDR application, but may be submitted on a preliminary basis to the Planning Board, as part of an informal pre-application meeting, as provided for in Section 8.3.5.1 herein.

The Yield Calculation is determined by the following steps:

Step One: Subtract from the total original area of the development tract 40% of all wetlands.

Step Two: Reduce that result by 10%, as an infrastructure factor.

Step Three: Divide that result by the minimum lot size required in the underlying district.

Step Four: For results less than 2, eliminate any fractional part, and for results greater than 2, round up to the next whole number for fractions of .5 or greater, and down for fractions less than .5.

Step Five: The result shall then be adjusted by the addition of the following number of units, to attain general parity with that of a conventional subdivision:

Yield	Added Units
1 to 3 units	0
4 to 8 units	1
9 to 13 units	2
14 to 18 units	3
Over 18 units	4

Yield: The result is the maximum base number of dwelling units allowed, provided that all other conditions required in Section 8.3 are met.

8.3.9.3 **OSRD Dimensional Requirements.** The following dimensional requirements shall apply within an OSRD, in place of the requirements set forth in Section 5.2, Table of Dimensional Requirements:

Minimum Dimensional Requirements in OSRD		
	Detached single-family dwelling units	Single-family attached dwelling units
8.3.9.3.1 Lot Size	10,000 sq. ft.	7500 sq. ft.
8.3.9.3.2 Lot Frontage	75'	75'
8.3.9.3.3 Perimeter Tract Setback	30'	30'
8.3.9.3.4 Front Setback on existing street	50% of front setback in underlying district	50% of front setback in underlying district
8.3.9.3.5 Front Setback on an interior drive	20'	10'
8.3.9.3.6 Side setback for principal structure	10'	10'
8.3.9.3.7 Rear setback for principal structure	10'	10'
8.3.9.3.8 Side and rear setbacks for accessory structures	5'	5'

8.3.9.3.9 **Lot Frontage and Lot Width Reduction.** The Planning Board may reduce the minimum frontage and lot width requirements if dwelling unit dimensions, location on curved frontage or a street terminus, or other conditions justify doing so, provided the reduction is consistent with the intent of this Section. Reduced frontage lots shall be located on streets and interior site drives fronting within the interior of the OSRD tract, unless the Planning Board finds that location on a way exterior to the tract is not detrimental to the neighborhood.

8.3.9.3.10 **Front Setback in Multiple Districts.** In cases where an OSRD lies in more than one eligible district, if the tract lies 2/3 or more in one district, the front setback for that

district shall apply in total. In cases where the OSRD lies less than 2/3 in one district, the frontage shall be the average of the required minimum front setbacks in the two districts.

8.3.9.3.11 **Side Yard Setback Reduction.** This setback requirement shall apply to detached single-family dwelling units and end units of structures containing single-family attached dwelling units. The Planning Board may reduce the side yard requirement if dwelling unit dimensions or other conditions justify doing so, provided the reduction is consistent with the intent of this Section.

8.3.9.3.12 More than one principal structure may be allowed on one lot.

8.3.9.4 **Density Increases Allowed by Special Permit.** The Planning Board may grant one or more density bonus units beyond the maximum base number of units allowed pursuant to the Yield Calculation using one or more of the following options:

8.3.9.4.1 **Open Space.** For each additional five (5) percent of the tract set aside as common open space above the minimum required below in Section 8.3.7.1, a bonus of ten (10) percent of the Yield Calculation of units may be allowed.

8.3.9.4.2 **Affordable Housing.** For every one (1) dwelling unit restricted in perpetuity as affordable housing, as defined in this bylaw, two (2) additional market rate dwelling units may be allowed.

8.3.9.4.3 **Moderate Income Housing.** For every one (1) dwelling unit restricted in perpetuity as moderate income housing, as defined in this bylaw, one (1) additional market rate dwelling unit may be allowed.

8.3.9.4.4 **Historic Preservation.** For a historically significant building or a major structure, including a barn or other accessory use preserved as part of the OSRD, one (1) additional market rate unit may be allowed. The determination of historical significance shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission.

8.3.9.4.5 **Aggregate Yield.** A density bonus shall be based on any combination of the bonuses listed above, provided that in no event shall the density bonus for the OSRD exceed, in the aggregate, fifty (50) percent of the dwelling units allowed in the Yield Calculation, and provided that all other conditions required in Section 8.3 are met.

8.3.10 Procedures.

- 8.3.10.1 **Pre-application Meetings.** All OSRD applicants are encouraged to meet informally with the Planning Board prior to submitting an EIDR or Special Permit application, and to accompany this discussion with a Sketch Plan under the provisions of Section 8.3.5.2. The purposes of a pre-application review are to solicit guidance from the Planning Board at the earliest possible stage in the process, in order to identify site design issues and to establish an approximate number of allowed residential dwelling units, thereby keeping the applicant's costs for landscape design, site engineering and other technical expertise to a minimum. At the request and expense of the applicant, the Planning Board may engage technical experts to review the applicant's informal plans and to facilitate submittal of a formal EIDR application.
- 8.3.10.2 **Sketch Plan.** A sketch plan shall be submitted as part of the EIDR application, defined as a minimally detailed, schematic drawing of the proposed OSRD that contains sufficient information in regard to existing and proposed conditions to allow the Planning Board to understand the nature and physical impact of the development on the land. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources. Applicants are encouraged to submit sketch plans in advance of filing for formal application as the basis of pre-application discussions with the board.
- 8.3.10.3 **Environmental Impact and Design Review for OSRD.**
- 8.3.10.3.1 **General.** All OSRD applications shall be subject to the EIDR process in Section 7.3 of this bylaw. The Planning Board may waive particular submission requirements for OSRD's if they are determined to be inapplicable or unnecessary for EIDR review purposes, provided that doing so is consistent with the purposes of this Section.
- 8.3.10.3.2 **Public Hearing and Decision.** A public hearing shall be conducted by the Planning Board within sixty-five (65) days of submission of the application and plans. Decisions shall be rendered within ninety (90) days of the close of said hearing. Failure to take action within the 90 day period shall be deemed to constitute constructive approval of the EIDR application.
- 8.3.10.3.3 **OSRD 4-step Design Process.** The application shall contain graphic and written material sufficient to demonstrate to the Planning Board that the four-step design process set forth below was performed by a registered landscape architect, or a team which includes a registered landscape architect, in establishing the layout of open space, housing units and clusters, streets, and lots.

Step One: Identification of Conservation Areas. The first step in the design process shall be to identify, analyze, and incorporate in the plans the natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community that exist on the OSRD tract and immediate vicinity. In addition, the OSRD concept design shall be considered in the larger context of neighborhood character, transportation and transit services, district land use patterns, cultural issues and other factors that might affect, or be affected by, the OSRD. The outcome of Step One is both to identify likely open space protection areas, and to identify in a preliminary way the potentially developable parts of the OSRD tract.

Step Two: Location of Housing Sites (Clusters). The second step shall be to locate the approximate siting of residential structures within the potentially developable areas, including the delineation of private yards and shared amenities so as to reflect an integrated community. The number of dwelling units with direct access to the natural and man-made amenities of the OSRD should be maximized.

Step Three: Alignment of Streets, Interior Drives, and Trails. The third step shall be to align streets and interior drives in order to provide access to the housing clusters and residential structures. New trails should be laid out to create internal and external connections to existing and/or potential streets, interior drives, sidewalks, and trails.

Step Four: Drawing of Lots and Easement Lines. The final step shall be to draw in the lot lines depicting the subdivision of the OSRD tract, including all easements and deed restrictions shown on the plan. In the case of condominium or cooperatives without individual lot ownership, assumed lot lines for illustrative purposes may be depicted on the plans.

8.3.11 Common Open Space Requirements.

8.3.11.1 **Minimum Open Space Requirement.** In the SRC and SRE districts, the OSRD shall protect in perpetuity at least forty (40) percent of the total tract as common open space, or fifty (50) percent where the OSRD must employ shared or individual septic systems or other on-site treatment, because no public sanitary sewer collection system is available. In the SRB district, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space. The common open space shall not be further divided or subdivided, and a restriction to such effect shall be noted on the EIDR plans recorded at the Registry of Deeds.

8.3.11.2 **OSRD Open Space Standards.** The landscape shall be preserved in its natural state. When necessary for utilities, roadways and similar purposes which cannot be avoided, or where desirable improvements to the landscape will be made, disturbances shall be minimized, by keeping to a minimum the removal of tree and forest vegetation, the excavation and removal of soil and the major alteration of existing topography. The massing and shape of the open space shall be designed to maximize its functionality for wildlife habitat and conservation, passive recreation, agriculture, horticulture, forestry, and equestrian use. Cultural and historical resources and scenic amenities may also be incorporated into the open space.

The open space shall be contiguous to the maximum extent possible. Connectivity between open space areas within the development tract, and to open space areas external to it, shall be incorporated wherever possible. No open space area shall be less than 50 feet in its smallest dimension. Open space traversed by a roadway may be considered by the Planning Board to be connected. Not more than five (5) percent of the open space areas may be covered by pavement or paved roads and allowable accessory structures.

Structures located within the common open space shall only include those structures used to support proper use of the open space, including but not limited to equipment storage, temporary shelters, sanitary facilities, and trail information stations. New or existing trails or walkways shall be constructed or retained, as applicable, for the purpose of providing reasonable access to the open space. No cluster, at its nearest point, shall lie farther than three-hundred (300) feet from the closest point of the open space, with the exception of minor adjustments allowed by the Planning Board where compliance with this standard is impractical. Underground utilities, stormwater management facilities, and shared wastewater treatment systems serving the site may be located within the common open space. Surface collection systems such as retention and detention ponds shall not count toward the minimum common open space requirement. Existing or proposed utility easements shall not be counted as common open space unless allowed by the Planning Board.

8.3.11.3 **Ownership, Protection and Maintenance of the Open Space.**

8.3.11.3.1 **Conveyance.** The common open space may be conveyed to any of the following entities:

- 1) The Town of Westwood or its Conservation Commission.
- 2) A non-profit organization whose primary purpose is to conserve and maintain open space.
- 3) A corporation or trust owned jointly or in common by the owners residing in the OSRD. When the open space is conveyed to said corporation or trust, maintenance of the open space shall be guaranteed in perpetuity. The corporation or trust shall provide for mandatory assessments of each lot and unit for maintenance purposes.

Each individual deed, and the deed or trust or articles of incorporation, shall include provisions to affect these requirements. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

- 8.3.11.3.2 **Conservation Restrictions.** When common open space is not conveyed to the Town or to its Conservation Commission, a conservation restriction or agricultural or forest preservation restriction enforceable by the Westwood Conservation Commission or other board under M.G.L. c. 184, § 31, is required, in compliance with the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources, or their successor agencies. Said restriction shall be recorded in the manner provided by statute. The Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so. The common open space shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth in this Section, and shall be maintained in a manner which will ensure its suitability for its intended purposes.
- 8.3.11.3.3 **Conservation Covenants.** Any common open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction, or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts, shall be subject to a restrictive covenant, which shall be approved by the Planning Board and Board of Selectmen, and which shall be duly recorded at the Registry of Deeds and subject to the Extension of Period provisions in Sections 27 and 28 of M.G.L. chapter 184. The Town of Westwood shall retain the right to enforce such covenants.
- 8.3.11.3.4 **Special Maintenance Provisions.** The Town shall be granted an easement over the common open space in all cases, to ensure its perpetual maintenance as open space consistent with the purposes of this Section. Such easement shall provide that in the event the corporation, trust, or other owner fails to maintain the open space in good functional condition, the Town may, after notice to the owners and a public hearing, enter the common open space to provide reasonable maintenance, in order to prevent or abate a nuisance. The cost of such maintenance shall be assessed against the properties within the development and/or to the owner of the common open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.3.12 **Design Standards.** The following minimum design standards shall apply to any OSRD site plan and shall guide the design of the site as an OSRD:

8.3.12.1 **Landscape Preservation.** Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree and vegetative cover removal and alterations to the pre-development natural topography. Mature trees of six (6) inch caliper or greater, measured four feet above average grade level, shall in particular be retained to the maximum practical extent. The location and orientation of housing sites or clusters shall be such as to maintain maximum natural topography. This design-with-the-land approach shall be employed in all site planning, wherein retention of natural topographic and vegetative features, views and natural drainage courses shall be treated as fixed determinants of housing cluster locations or interior drive layouts, rather than altering the site to accommodate a fixed development plan.

8.3.12.2 **Roadway and Infrastructure Design.** The standards for all OSRDs, whether involving a definitive plan approval or not, shall be those of the Westwood Rules and Regulations Governing the Subdivision of Land, in regard to the alignment, width, and design of streets and interior drives in an OSRD, as well as all related infrastructural elements within and along rights of way. Streets and interior drives in an OSRD shall be designed to be in compliance with the locational and dead end standards in those Rules and Regulations. Related infrastructural elements shall include, but not be limited to, the following: sewage collection, water distribution, stormwater management, power and energy transmission, and telecommunications. However, applicants are encouraged to consider alternate designs for interior drives and other infrastructural elements that might involve variations to those standards, including but not limited to narrower rights of way and paved travel lanes, as long as adequate grade, width and construction are maintained. The Planning Board may grant design waivers in accordance with prescribed procedures.

In all cases, streets and interior drives shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views into and within the development site.

8.3.12.3 **Pedestrian and Bicycle Circulation.** Where appropriate, walkways and/or multi-purpose trails shall be provided within the OSRD to connect dwellings with parking areas, recreation facilities and open space, and adjacent land uses.

8.3.12.4 **Visibility of Open Space.** Open space in the OSRD shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

8.3.12.5 **Architectural Design and Neighborhood Compatibility.** In overall scale, architectural detailing, building massing, height, exterior materials, and roofline articulation, residential structures in an OSRD shall be reasonably compatible with existing structures in surrounding residential areas, when there is a functional or visual relationship between the surrounding structures and the proposed structures. The Planning Board may limit and/or redistribute the number of dwelling units contained in a single structure, if it determines that

the proposed structure would otherwise compromise or obstruct desired views from abutting properties or from public ways, or if the proposed configuration has a negative environmental impact upon any abutting property.

- 8.3.12.6 **Cultural Resources.** The removal or disruption of historic or archaeological resources or traditional or significant uses, structures, or architectural elements shall be minimized.
- 8.3.12.7 **Stormwater Management.** To the extent practicable, the use of low impact development and soft drainage techniques shall be employed in the design of an OSRD, subject to compliance with all applicable local and state standards and requirements.
- 8.3.12.8 **Off-street Parking.** All off-street parking in an OSRD shall comply with the requirements of Section 6.0 in this bylaw.
- 8.3.12.9 **Mix of Housing Types.** Any mix of one or more of the allowed housing types, shall be permitted in an OSRD, up to the maximum number of dwelling units permitted under this Section.
- 8.3.13 **EIDR Decision.** Approval shall be granted by means of a written EIDR decision, based upon a determination by the Planning Board that the OSRD application meets the criteria below.
 - 8.3.13.1 Consistency with the purposes of this Section.
 - 8.3.13.2 Demonstration of proper and complete application of the OSRD 4-step design process.
 - 8.3.13.3 General consistency with all applicable elements of the EIDR standards in Section 7.3.7.
 - 8.3.13.4 Responsiveness to all applicable elements of the Design Standards in Section 8.3.12.
 - 8.3.13.5 Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.
- 8.3.14 **Special Permit Decision for Single-family Attached Housing.** Approval shall be granted by means of a written Special Permit decision, based upon a finding by the Planning Board that the OSRD application demonstrates consistency with the standards below:
 - 8.3.14.1 Consistency with the purposes of this Section.
 - 8.3.14.2 Demonstration of proper and complete application of the OSRD 4-step design process.
 - 8.3.14.3 General consistency with Section 10.3 [Special Permits] of the Zoning Bylaw.

- 8.3.14.4 Compatibility with the scale, visual character and amenities of the neighborhood.
- 8.3.14.5 Compatibility of the single-family attached housing with the other housing types and clusters within the OSRD, using site design, architectural elements, building massing, and open space and landscaping, thereby creating a unified development that succeeds in establishing a harmonious residential environment.
- 8.3.15 **Special Permit Decision for Density Bonus Units.** Approval shall be granted by means of a written Special Permit decision, based upon a finding by the Planning Board that the proposed density bonus meets one or more of the allowed bonuses in Section 8.3.9.4.
 - 8.3.15.1 **Limit on Density Yield.** The Planning Board shall further find that the density bonus for the OSRD project will not exceed, in the aggregate, fifty (50) percent of the Yield Calculation of dwelling units.
- 8.3.16 **Special Conditions and Performance Guarantee.** The Planning Board may impose reasonable conditions as part of any EIDR or Special Permit approval and may require suitable performance guarantees to assure compliance with those conditions.
- 8.3.17 **Regulations.** The Planning Board may adopt OSRD rules and regulations consistent with this Zoning Bylaw and the laws of the Commonwealth.

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2) Amend Section 7.3 [Environmental Impact and Design Review] by adding a new sub-section 7.3.2.3 to read as follows:

7.3.2.3 Construction of an Open Space Residential Development (OSRD), under Article 8.3 of this bylaw.

3) Amend Section 2.0 [Definitions] by adding a new sub-section 2.96 to read as follows, and renumber sections as appropriate:

2.96 Open Space Residential Development A residential development proposed under the procedures of Article 8.3 of this bylaw, using the 4-step design process described therein and employing the practices established in that section for the design, protection and maintenance of common open space.

4) Amend Section 4.1 [Principal Uses], Sub-section 4.1.3 [Residential Uses] by adding a new Sub-section 4.1.3.9 to read as follows, with “Y” in columns under districts SRB, SRC, and SRE, and with “N” in all other columns:

4.1.3.9 Open Space Residential Development in accordance with Section 8.3

5) Amend Section 4.2 [Notes for Table of Principal Uses] by adding a new Note 10 to read as follows:

10 Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development,

Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.

- 6) Amend Section 5.0 [Dimensional Requirements], Sub-section 5.1 [General] by adding a new paragraph at the end of the section, to read as follows:

In the case of an Open Space Residential Development project proposed under sub-article 8.3 in this bylaw, the dimensional and density requirements established therein shall take precedence over those established in Section 5.2, TABLE OF DIMENSIONAL REQUIREMENTS for purposes of increased design flexibility and enhanced open space preservation.

- 7) Amend Section 5.2 [Table of Dimensional Regulations] by adding a new Footnote 13 in the District Column for Section 5.2.2 [SRB], Section 5.2.3 [SRC] and Section 5.2.5 [SRE], and amend Section 5.3 [Notes for Table of Dimensional Regulations] by inserting the text of Footnote 13 at the end of said section to read as follows:

13 See Section 8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT for density and dimensional requirements for OSRD.

ARTICLE 20

The Finance Commission recommended and the Town voted by a 2/3 vote declared by the Moderator on a unanimous voice vote by Town Meeting, to approve certain amendments to the Westwood Zoning Bylaw related to Special Residential Regulations, involving revisions to the existing bylaw section entitled Senior Residential Development (SRD) as set forth below, or take any other action in relation thereto:

- 1) Remove Section 8.5 [Senior Residential Development] in its entirety, and insert a new Section 8.5 [Senior Residential Development] to read as follows:

8.5 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

8.5.1 **Special Permit Required.** A Senior Residential Development shall require the issuance of a SRD Special Permit by the Planning Board in compliance with the provisions of this Section.

8.5.2 **Conditions.** A SRD shall be subject to the following conditions:

8.5.2.1 Occupancy shall be limited to persons who have reached the age of fifty-five (55) years and any close relative residing with such person. For purposes hereof, "close relative" shall mean a spouse, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, niece or nephew, and shall include a person so related by legal adoption and by the half blood.

8.5.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

8.5.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a common function.

- 8.5.2.4 Maximum building height requirements shall be as set forth in Section 5.4.1 of this bylaw unless the Planning Board determines, in its discretion, that any structure may exceed maximum height requirements by up to ten (10) additional feet without having any undue negative affect on surrounding properties.
- 8.5.2.5 There shall be provided-in all cases suitable means of access and egress to and from dwelling units for handicapped persons.
- 8.5.3 **Types of Permissible Dwellings.** The following types of dwellings may be authorized by SRD Special Permit:
- 8.5.3.1 single-family detached houses;
- 8.5.3.2 two-family houses;
- 8.5.3.3 two-family semi-detached houses;
- 8.5.3.4 townhouse-type dwelling units; or
- 8.5.3.5 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.
- 8.5.4 **Specific Restrictions.** A SRD shall also be subject to the following specific restrictions:
- 8.5.4.1 The dwelling unit density shall not exceed ten (10) dwelling units per acre. To determine the maximum number of dwelling units permitted in the SRD, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer areas or dedicated to public ownership as open space shall be included. The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the Applicant.
- 8.5.4.2 Where proposed structures are to be developed on existing streets or direct extensions of existing streets, front yard setbacks may be reduced to not less than twenty (20) feet. Where proposed structures are to be developed on new interior drives, front yard setbacks may be reduced to not less than ten (10) feet. There shall be no minimum side or rear setback between structures within a proposed SRD, however each proposed structure shall be set back a minimum of thirty (30) feet from the sides and rear of the perimeter of the SRD.
- 8.5.4.3 There shall be provided at least one and one-half (1½) off-street parking space per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.
- 8.5.4.4 The maximum permitted lot coverage for a SRD shall be fifty percent (50%), including roadways and parking areas.

- 8.5.4.5 Any SRD Special Permit shall incorporate by reference the site plan approval.
- 8.5.5 **Procedures.** An application for a SRD Special Permit shall be filed in accordance with the Planning Board’s Rules and Regulations for Special Permits.
- 8.5.6 **Application and Submittal Requirements.** An application for a SRD Special Permit shall include plans in conformance with the Planning Board’s Rules and Regulations for Special Permits.
- 8.5.7 **Decision.** A SRD Special Permit shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:
 - 8.5.7.1 Impact on the quantity and quality of available housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities;
 - 8.5.7.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;
 - 8.5.7.3 Impact on the natural environment;
 - 8.5.7.4 Impact on vehicular and pedestrian movement and safety;
 - 8.5.7.5 Compatibility of the proposed development with the surrounding neighborhood.
- 8.5.8 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed SRD involving a subdivision from compliance with the Planning Board’s Rules and Regulations Governing the Subdivision of Land or the rules and regulations of any other Town board having jurisdiction. Nor shall this section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

ARTICLE 21

The Finance Commission recommended and the Town voted unanimously to amend the list of Designated Scenic Roads in Westwood to include Fox Hill Street and Thatcher Street, or take any other action in relation thereto.

ARTICLE 22

The Finance Commission recommended and the town by a Majority vote in favor of indefinite postponement of this Article.

To see if the Town will vote to 2/3 vote declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map, including amendments related to proposed revisions to the existing bylaw Section 5.5 entitled Special Dimensional Regulations, or take any other action in relation thereto:

- 1) Add a new Section 5.5.2 [Lot Shape Requirement for Residential Districts] to read as follows, and renumber sections as appropriate:

5.5.2 Lot Shape Requirement for Residential Districts. Lots in residential districts shall provide satisfactory sites for buildings in relation to their natural topography, and shall to the extent feasible, be generally rectangular in shape. Lots shall not contain irregular shapes or elongations solely to provide necessary square footage. Any new lot created by a subdivision or approval not required plan shall have a Shape Factor of thirty (30) or less, where the Shape Factor shall be calculated using the following formula: $SF = P^2/A$ where P = the perimeter of the lot and A = the area of the lot.

ARTICLE 23

The Finance Commission recommended and the Town voted unanimously to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map, including amendments related to proposed revisions to the existing bylaw Section 2.0 entitled Definitions, or take any other action in relation thereto:

- 1) Amend Section 2.18 [Boarding House] to read as follows:

2.18 Boarding House A dwelling or part thereof in which lodging is provided by the owner or operator to more than three (3) individuals who are not part of the owner's family.

- 2) Amend Section 2.20 [Building, Accessory] to read as follows:

2.20 Building, Accessory A subordinate, detached building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

- 3) Remove Section 2.26 [Building Tradesman] in its entirety;

- 4) Amend Section 2.32 [Commercial Recreation, Indoor] to read as follows:

2.32 Commercial Recreation, Indoor A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Commercial indoor recreation shall include the following places of assembly: theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, or other commercial recreational centers conducted for or not for profit.

- 5) Amend Section 2.36 [Contractor's Yard] to read as follows:

2.36 Contractor's Yard Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies and/or parking of wheeled equipment.

- 6) Amend Section 2.46 [Family] to read as follows:
- 2.46 Family One or more persons related by blood, adoption, or marriage, living and cooking together as a single house-keeping unit; or a number of persons, but not exceeding four (4), living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.
- 7) Amend Section 2.56 [Floor Area Ratio (FAR)] to read as follows:
- 2.56 Floor Area Ratio (FAR) The gross floor area of a building divided by the total gross lot area of the parcel on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of net floor area ($43,560 \times .75 = 32,670$). The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Floor Area Ratio.
- 8) Amend Section 2.64 [Home Occupation] to read as follows:
- 2.64 Home Occupation An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof, which does not alter the residential character of the property or negatively affect surrounding residential properties. Examples of home occupations include, but are not limited to, the office of a physician, dentist, attorney, accountant, architect, engineer, real estate agent or insurance agent; or the studio of an artist, musician or dancer; or the studio of a teacher of art, music or dance; or the workroom of a dressmaker, milliner or photographer.
- 9) Amend Section 2.78 [Lot, Depth of] to read as follows:
- 2.78 Lot, Depth of The mean distance from the street layout of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a lot has no frontage on a street, the lot depth shall be the mean distance from the property line determined by the Building Commissioner to be the front lot line to the opposite rear lot line measured in the general direction of the side lines of the lot.
- 10) Amend Section 2.98 [Parking Garage] to read as follows:
- 2.98 Parking Garage A structure, or a portion of a structure, which use is accessory to a commercial or industrial establishment and is primarily for the parking of vehicles operated by the customers, visitors and employees of such an establishment.
- 11) Amend Section 2.105 [Recreational Vehicle] to read as follows:
- 2.105 Recreational Vehicle A vehicle or vehicular attachment, with or without utilities, flush toilets or bath facilities, which is used for recreational purposes, and which is not a residence, including but not limited to such items as a travel trailer, a pick-up camper, a tent trailer, a boat, a boat trailer or a motor home.
- 12) Amend Section 2.116 [Structure] to read as follows:

2.116 **Structure** An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, communication towers, flag poles, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, tanks in excess of 500 gallons used for the storage of any fluid other than water and swimming pools. A freestanding fence or wall six (6) feet or less in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of six (6) feet or less, measured from the lowest point of grade adjacent to the fence, or combined wall and fence, will not be considered a structure.

13) Amend Section 2.120 [Use, Accessory] to read as follows:

2.120 **Use, Accessory** Either a subordinate use of a building, structure or land, or a subordinate, detached building or structure (i) whose use is clearly incidental to the main use of the premises on which located, and (ii) which does not constitute, in effect, a conversion of that main use to any use not permitted.

14) Amend Section 2.126 [Yard, Rear] to read as follows:

2.126 **Yard, Rear** A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the principal building projected to the side lines of the lot.

ARTICLE 24

The Finance Commission recommended and the Town voted by a 2/3 vote declared by the Moderator on a unanimous voice vote by Town Meeting, to approve certain housekeeping amendments, including the following, or take any other action in relation thereto:

- 1) Amend Section 4.1.5.3 [Animal Clinic or Hospital] by changing the title of this principal use category, without changing the districts within which the use is permitted by right, allowed by special permit or prohibited, so that the amended category reads as follows:

4.1.5.3 Animal Hospital or Animal Clinic

- 2) Amend Section 4.1.7.1 [Commercial Outdoor Parking] by changing the title of this principal use category, without changing the districts within which the use is permitted by right, allowed by special permit or prohibited, so that the amended category reads as follows:

4.1.7.1 Pay-to-Park Outdoor Parking Facility

- 3) Amend Section 4.3.3.6 [Office, studio or workroom for the conduct of a profession or customary home occupation, subject to the conditions in Sub-section 4.4.1 through 4.4.2] by changing the title of this accessory use category, without changing the districts within which the use is permitted by right, allowed by special permit or prohibited, so that the amended category reads as follows:

4.3.6 Home Occupation pursuant to Section 4.4.1

- 4) Consolidate and amend Sections 4.4.1 [Home Occupations] and 4.4.2 [Conditions] so that the consolidated amended section reads as follows, and renumber subsequent sections as appropriate:

4.4.1 **Home Occupations.** Home Occupations may be permitted subject to the conditions below:

- 4.4.1 Not more than two (2) persons other than the residents of the premises shall be regularly employed thereon in connection with such use;
- 4.4.2 No stock in trade shall be regularly maintained except for products of the occupation itself, or for goods or materials customarily used incidental to its performance;
- 4.4.3 Such use shall not produce noise or other effects observable at the lot lines in amounts exceeding those normal to residential property;
- 4.4.4 No external change shall be made which alters the residential appearance of the buildings or structures on the premises; and
- 4.4.5 There shall be no exterior display or other outward evidence that the premises are being used for any purpose other than residential (except for a sign as herein permitted).

- 5) Amend Section 4.4.3.7 (related to off-street parking for accessory apartments) by replacing the word “or” with the word “and/or” so that the amended section reads as follows:

- 4.4.3.7 Off-street parking shall be provided for each automobile used by an occupant of the principal dwelling and/or the accessory apartment.

- 6) Amend Notes 5, 6, 7 and 8 under Section 5.3 [Notes for Table of Dimensional Requirements] by adding the word “detached” before the words “accessory building or structure” and by refining the language of the notes so that the amended notes read as follows:

⁵ Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least seventy-five (75) feet shall be set back a minimum of three (3) feet from the side lines of its lot.

⁶ Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of three (3) feet from the rear line of its lot.

⁷ Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of fifteen (15) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least one hundred (100) feet shall be set back a minimum of six (6) feet from the side lines of its lot.

8 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of six (6) feet from the rear line of its lot.

7) Amend Section 6.3.10 [Perimeter Fence Special Permit] by refining the language of the section so that the amended section reads as follows:

6.3.10 **Perimeter Fence Special Permit.** The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of a maximum of eight (8) feet, measured from the lowest point of grade adjacent to the fence or combined wall and fence, only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to the site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;

6.3.10.2 proximity to abutting residences;

6.3.10.3 proximity to heavily traveled roadways; and

6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.

8) Amend Section 10.1.3 [Occupancy Permits] by refining the language of the section so that the amended section reads as follows:

10.1.3 **Occupancy Permits.** It shall be unlawful to initially use any building or structure, or any addition to an existing building or structure, hereafter constructed, or to use that portion of a building or structure which is hereafter renovated, or to occupy or use any building or structure for a purpose other than that for which it was designed (as set forth in the permit for its construction, if any), until the Building Inspector has issued an occupancy permit. Such permit shall not be issued unless and until the Building Inspector has found the premises to be in apparent conformity in all applicable respects to the provisions of this Bylaw or decision rendered hereunder.

9) Amend Section 7.1 [Earth Material Movement], sub-section 7.1.10.3 by deleting the words “, or import” after the word “Export” so that the amended section reads as follows:

7.1.10.3 Export and/or regrading of earth material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of earth material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk or path below finished grade.

10) Amend Section 4.4 [Notes for Table of Accessory Uses], note 2 by replacing the words “Gross Floor Area” with the words “Floor Area Ratio”.

ARTICLE 25

The Finance Commission recommended and the Town voted unanimously to amend the General Bylaws Article II General Financial Regulations, section 30-19, paragraph A (1), line 8, by deleting therefrom the term “90 days” and substituting therefor the term “twelve month period.”

ARTICLE 26

The Finance Commission recommended and the Town voted by a majority to authorize the Board of selectmen to petition the General Court, in compliance with Clause (1), section 8 of Article LXXXIX of the amendments to the Constitution, for enactment of a special law substantially in the following form as printed below as part of the article entitled:

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT LICENSES FOR THE SALES OF ALL ALCOHOL BEVERAGES AND OR WINES AND MALT ONLY BEVERAGES PURSUANT TO SECTION 14 OF CHAPTER 138 OF THE GENERAL LAWS.

Section 1. Notwithstanding section 11 of chapter 138 of the General Laws or the provisions of any general or specific law to the contrary, the licensing authority of the Town of Westwood may grant (i) special licenses for the sale of wines and malt beverages only, or either of them, to the responsible manager of any indoor or outdoor activity or enterprise and (ii) may grant special licenses for the sale of all alcoholic beverages or wine and malt beverages only to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise under section 14 of said Chapter 138. The licenses shall be subject to all of said chapter 138 except section 11; provided, that such beverages shall be served only to persons over twenty-one years of age. The fees for license granted under this special act shall be fixed from time to time by the local licensing authority and need not be uniform.

A license under this special act shall not be granted to any person while his application for a license under section 12 is pending before the licensing authority.

Section 2. This act shall take effect upon its passage.

ARTICLE 27

The Finance Commission recommended and the Town voted unanimously to accept a footway easement from the owners of 46 Buckmaster Road (formerly known as 39 Hoover Avenue and known as Assessor’s Parcel 28/167)) and 41 Sexton Avenue (formerly known as 33 Hoover Avenue and known as Assessor’s Parcel 28/150) said easement to be 10 feet in width and to run on the southerly side of the center line of the former Hoover Avenue in a Westerly direction from Buckmaster Road and to its intersection with Sexton Avenue as shown on an Easement Plan dated March 25, 2011 by Hoyt Land Surveying to be recorded by the Town with the Norfolk County Registry of Deeds. Said easement to be used for passage of pedestrian and bicycle traffic only.

ARTICLE 28

The Finance Commission recommended and the Town voted unanimously to accept Massachusetts General Law Chapter 41, Section 19K.

ARTICLE 29

The Finance Commission recommended and the Town voted unanimously to amend Article 5 of the General By-Laws §380-11 All Night Parking by deleting it in its entirety and substituting therefor the following:

Article V-Street Parking

- SECTION 380-11 It shall be unlawful for the owner or operator of any vehicle, other than one acting in an emergency, to park said vehicle on any public street or place where the traveling public has the right of access between the hours of 2:00 a.m. and 5:00 a.m. of any day during the period of December 1 through March 31.

Obstructing Traffic

- No owner or operator of a motor vehicle shall leave it parked or standing on a public street or place where the traveling public has the right of access in such a way that obstructs or impedes the flow of traffic. If an owner or operator refuses to move such a vehicle or the owner or operator can not be located, the vehicle may be ticketed and/or towed in order to restore the safe flow of traffic.

Snow and Ice Emergencies

- In order to facilitate the safe and orderly snow clearing operations, The Emergency Management Director may declare a Snow or Ice Emergency based on existing or expected weather conditions.
- During a Snow or Ice Emergency all parking on Town roads is prohibited.
- Vehicles parked on Town roadways in violation of the ban may be ticketed and/or towed at the owner's expense.
- When possible, advance notice will be sent out through various media electronic means, including posting on the town's website: www.town.westwood.ma.us

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 9:32 p.m.

Attest:



Dorothy A. Powers, CMMC
Town Clerk