



Norfolk ss:

To either of the Constables of the Town of Westwood in said County, GREETING.

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town who are qualified to vote in elections to vote at:

Precinct One - Senior Center
Precinct Two - William E. Sheehan School
Precinct Three - Paul R. Hanlon School
Precinct Four - Downey School

on the last Tuesday in April, it being the thirtieth day of said month, A.D. 2013, from 7 a.m. to 8 p.m. for the following purpose:

To bring their vote for the following persons to wit:

ONE ASSESSOR FOR THREE YEARS
ONE HOUSING AUTHORITY FOR FIVE YEARS
TWO LIBRARY TRUSTEES FOR THREE YEARS
ONE MODERATOR FOR ONE YEAR
TWO PLANNING BOARD MEMBERS FOR THREE YEARS
TWO SCHOOL COMMITTEE MEMBERS FOR THREE YEARS
ONE SELECTMAN FOR THREE YEARS
ONE SEWER COMMISSIONER FOR THREE YEARS
ONE TOWN CLERK FOR THREE YEARS

and you are hereby further directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and Town affairs to meet in the Westwood High School Gymnasium, 200 Nahatan Street, in said Westwood, on Monday, May 6, 2013 after the conclusion of Special Town Meeting at 7:30 in the evening, there and then to act on the following articles:

ARTICLE 1

To see if the Town will vote to appropriate by transfer from available funds the sum of Eight Hundred Ninety Three Thousand Nine Hundred Fifty Dollars (\$893,950) to supplement the following fiscal year 2013 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$212,950	Ambulance Equipment	\$68,500
Youth Expense	\$2,000	Ambulance Rescue Equipment	\$63,450
Bond Premium	\$208,000	Fire Salary	\$121,000
Debt & Interest	\$309,000	Youth Salary	\$16,000
Comprehensive Insurance	\$50,000	High School Litigation	\$440,000
Reserve Account	\$112,000	Snow and Ice	\$185,000
Total	\$893,950	Total	\$893,950

(Board of Selectmen)

ARTICLE 2

To see if the Town will vote to appropriate by transfer from available funds the sum of Two Hundred Thirty-Six Thousand Four Hundred Fifty-Six Dollars (\$236,456) to supplement the following fiscal year 2013 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Overlay Surplus (FY13 additional state aid)	\$236,456	School Operating Budget	\$191,839
		Municipal Salary Accounts:	
		Finance & Warrant Commission	\$11,200
		Accounting	\$7,000
		Board of Health	\$1,600
		Youth	\$20,817
		Recreation	\$4,000
Total	\$236,456	Total	\$236,456

(Board of Selectmen)

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety-Two Thousand Two Hundred Thirty-One Dollars (\$92,231) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20 or take any other action thereon

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$92,231	FY13 Retirement Drug Subsidy

(Board of Selectmen)

ARTICLE 4

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Five Hundred Thousand Dollars (\$500,000) to the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B, or take any other action thereon.

Purpose	Amount	Funding Source
Stabilization Fund	\$500,000	Free Cash

(Board of Selectmen)

ARTICLE 5

To see if the Town will vote to rescind the \$210,000 balance of the \$450,000 authorized by vote of the Town under Article 11 of the Warrant at the May 2, 2011 Town Meeting to install the Brook Street Culvert Flood Prevention Project, which amount is no longer needed to pay costs of completing the project for which it was approved, or take any other action thereon.

(Board of Selectmen)

ARTICLE 6

To see if the Town will vote to appropriate and/or transfer from available funds the sum of to pay the following unpaid bill of a prior fiscal year, or take any other action thereon:

Unpaid Bill	Amount	From Account

(Board of Selectmen)

ARTICLE 7

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, 2013, through June 30, 2014, as set forth in Appendix D of the Finance Commission's Report to the 2013 Annual Town Meeting, or take any other action thereon.

(Board of Selectmen)

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B, or take any other action thereon.

Purpose	Amount	Funding Source
Stabilization Fund	\$100,000	Taxation

(Board of Selectmen)

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Four Hundred and Thirty Five Thousand Dollars (\$435,000) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20, or take any other action thereon.

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$435,000	Taxation

(Board of Selectmen)

ARTICLE 10

To see if the Town will vote 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>
Municipal building maintenance	DPW	\$50,000	Free Cash
Municipal buildings - energy efficiency upgrades	DPW	\$10,000	Free Cash
Fire Station 1 renovations	Fire	\$100,000	\$61,500 Taxation/ \$38,500 Free Cash
Fire alarm truck	Fire	\$35,000	Free Cash
End user technology	Information Technology	\$50,000	Free Cash
Replacement of police vehicles	Police	\$132,000	Free Cash
Police speed trailers	Police	\$40,000	Free Cash
Total		\$417,000	

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.

(Board of Selectmen)

ARTICLE 11

To see if the Town will vote 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	\$242,000	\$61,500 Taxation/ \$180,500 Free Cash
HVAC	School	\$41,000	Free Cash
Repairs and maintenance	School	\$93,000	Free Cash
Copiers	School	\$30,000	Free Cash
Total		\$406,000	

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.

(Board of Selectmen)

ARTICLE 12

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Three Hundred Sixty-Five Thousand Dollars (\$365,000) 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>
Pool family/handicapped accessible changing area	Recreation	\$125,000	\$25,000 Taxation/ \$100,000 Free Cash
Cemetery expansion - design	DPW	\$70,000	Cemetery Lot Sales
Fire ladder truck (\$750,000 total)	Fire	\$170,000	2010 ATM, Article 2 Fire Capital
Total		\$365,000	

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.

(Board of Selectmen)

ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) 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>
Generators	Sewer	\$100,000	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.

(Board of Selectmen)

ARTICLE 14

To see if the Town will vote to appropriate One Million Five Hundred Seventy Thousand Dollars (\$1,570,000) to pay costs of the Sewer Infiltration and Inflow Reduction Project, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, and authorize the Board of Selectmen to apply for and accept any state or federal grant or assistance, or both, that may be available to pay for the above project, or to take any other action thereon.

(Board of Selectmen)

ARTICLE 15

To see if the Town will vote 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 expenditure of any funds allocated or to be allocated by the Commonwealth for the improvement of Chapter 90 and other 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 road improvement program, or take any other action thereon.

(Board of Selectmen)

ARTICLE 16

To see if the Town will vote to raise and appropriate and/or borrow and/or transfer from available funds a sum of money to reconstruct Metcalf Road, to which the residents of said Metcalf Road will be responsible for betterment charges which will raise half the cost to reconstruct Metcalf Road; and to authorize the selectmen to accept a grant of easement and accept said Metcalf Road as a public way once reconstructed, or take any other action thereon.

(Board of Selectmen)

ARTICLE 17

To see if the Town will vote to raise and appropriate and/or borrow and/or transfer from available funds a sum of money to reconstruct an unaccepted portion of Fisher Street, to which the residents of said portion of Fisher Street will be responsible for betterment charges which will raise half the cost to reconstruct said portion of Fisher Street and to accept said portion as a public way once reconstructed, or take any other action thereon.

(Board of Selectmen)

ARTICLE 18

To see if the Town will vote to adopt the following amendments to the General By-laws:

Chapter 1, GENERAL PROVISIONS: §1-5 Penalty for Violation is amended by deleting said section in its entirety and replacing it with a new § 1-5 as follows:

§1-5 –Penalty for Violation: “Whosoever violates any by-law of the Town whereby any act or thing is enjoined, required or prohibited shall forfeit and pay a fine of \$100 for the first offense, \$200 for the second offense and \$300 for any subsequent offenses in any calendar year unless some other penalty is expressly provided by law, or some by-law of the Town. Whosoever violates any of the Traffic Rules and Regulations shall forfeit and pay for each offense a fine of \$50 unless some other penalty is expressly provided by law, or by some by-law of the Town.

Chapter 30, FINANCE: Article I. Finance; sections §30-1 Membership and composition; §30-2 Organization; § 30-6 Duties; §30-9 Voting record; §30-10 Delivery deadline; §122-7 Report; §138-8. Warrant Articles; §138-15, D(1) and E are amended so that any reference to Finance Commission in those sections will now be Finance and Warrant Commission.

Chapter 30, FINANCE: § 30-7 Town Meeting warrants is amended by deleting said section in its entirety and replacing it with a new §30-7 as follows:

§ 30-7 Town Meeting warrants: “The Finance and Warrant Commission shall consider all articles in the warrants for every Town Meeting and shall report in writing before each Town Meeting in a manner provided by by-law, its advice, estimates, and recommendations for consideration by the Town Meeting, in accordance with the provision of the Town Charter.”

Chapter 30, Finance; §30-10 is amended by adding a new paragraph at the end of said section that reads as follows: Said Annual Report shall be published on the Town's website and copies made available at the Town Clerk's office, provided however, that while it is the intent of this by-law that every effort shall be made to distribute and post the report as set forth herein, failure to do so shall not invalidate the actions of the Annual Town Meeting.

Chapter 30, Article I. FINANCE: § 30-15 is amended by adding a new paragraph at the end of said section that will read as follows:

"The Town Administrator shall serve as the Chief Procurement Officer under chapter 30B of the General Laws and shall 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 the approval of the Board of Selectmen.

Chapter 80, OFFICERS AND EMPLOYEES:

Article I, General Provisions, §80-2 Public records is amended by deleting said section in its entirety and substituting therefore the following new §80-2 as follows:

" Except as otherwise provided for by law, any person having custody of any Town records or books shall, during reasonable business hours and at their regular office or at some convenient place, permit such books and records to be inspected and examined under their supervision. Such officer shall furnish copies thereof on payment of a reasonable fee, as set forth by 950 CMR 32.06, however if the immediate furnishing of such copies would seriously interfere with the work upon which the officer is then engaged, any such copies shall be furnished pursuant to the state's public records law, 950 CMR 32.05(2)."

Chapter 80, OFFICERS AND EMPLOYEES

Article I. General Provisions, §80-3. Vacancy in elected office is amended by deleting said section in its entirety and substituting a new §80-3, as follows:

"If a vacancy occurs in the office of Moderator, such vacancy shall be filled in accordance with the Town Charter section 2-9-2. A vacancy occurring in the office of Selectmen, Town Clerk, Town Treasurer or Tax Collector shall be filled in accordance with the provisions of the General laws. A vacancy in the office of Regional School Representative shall be filled by vote of the School Committee and Board of Selectmen in accordance with the provisions of the General laws.

Chapter 90 PERSONNEL: is deleted in its entirety and substituting therefore a new Chapter as follows:

§ 90-1. Purpose and Authorization

The purpose of the Personnel By-law is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. This by-law is adopted pursuant to the

authority granted by Article LXXXIX of the Constitution of the Commonwealth and M.G.L. c. 41, § 108A and 108C.

§ 90-2. Application

All Town departments and positions shall be subject to the provisions of this by-law except elected officers, employees with personal contracts, and employees of the School Department. To the extent that any Town employee is subject to a collective bargaining agreement, in the event of a conflict and/or an inconsistency between said agreement and this by-law, then said agreement shall govern the terms and conditions of that employee's work.

§ 90-3. Town Administrator

Pursuant to Section 6-2-1(k) of the Town Charter, the Town Administrator is responsible for administering personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the Personnel Board, for all municipal employees and administering all collective bargaining agreements entered into by the Town.

Additionally, pursuant to Section 6-2-1(a)(i) of the Town Charter, the Town Administrator is authorized to 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.

§90-4. Human Resources functions

The Town Administrator may organize human resources and personnel functions in a Human Resources Department. Subject to appropriation, the Town Administrator may, consistent with the provisions of Section 6-2-1(a) (i) and (ii) of the Charter, appoint a Human Resources Director to act by and for the Administrator to impartially and equitably oversee all personnel activities and responsibilities of the Town, other than employees of the School Department; provided, however, that the Town Administrator shall retain responsibility for all such delegated acts.

§90-5 Personnel Board

- A. Composition; Mode of selection; Term of office: Qualifications. The Moderator shall appoint a Personnel Board consisting of five persons for three-year overlapping terms as provided in Section 7-4-1 of the Town Charter. Each term of office shall commence 30 days following the adjournment of the business session of the Annual Town Meeting, and every member shall serve until a successor is qualified. Any registered voter of the Town may be appointed to the Board; provided, however, that no elected official of the Town or Town employee shall be appointed to the Board. The Board shall annually elect a Chairperson and a Vice Chairperson from its membership at the first meeting following the appointment of new members, and may reorganize as necessary or appropriate. Any

three members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of three members shall be necessary for any official act of the Board to be effective.

- B. Powers and Duties. The Board shall be responsible for formulating recommendations on and reviewing the classification and compensation plans, which plans shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions generally, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices. The Personnel Board shall also, in consultation with the Town Administrator, monitor the implementation and practices of the Town's personnel policies. Finally, the Personnel Board shall provide advice and assistance, to the extent requested, to the Town Administrator and Human Resources Director on any aspect of personnel policies and practices.

§90- 6. Personnel System

A personnel system shall be established by promulgation of policies pursuant to section 5. The personnel system shall make use of current concepts of personnel management and may include but not be limited to the following elements:

- A. Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.
- B. Classification Plan. A position classification plan for all employees subject to this by-law shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position provided that the Town Administrator and Personnel Board are first consulted regarding an appropriate starting salary. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions added during the prior year.
- C. A Compensation Plan. A compensation plan for all positions subject to this by-law shall consist of:
 - 1. A schedule of pay grades, including minimum, maximum and intermediate rates for each grade; and
 - 2. An official list indicating the assignment of each position to specific pay grades.
- D. A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

- E. Personnel Records. A centralized recordkeeping system which maintains essential personnel records.
- F. Personnel Policies. A series of personnel policies which establishes the rights, the benefits to which certain personnel employed by the Town are entitled, and the obligations of said employees to the Town.
- G. Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

§ 90-7. Adoption and Amendment of Personnel Policies

The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of certain employees subject to this by-law. Policies shall be adopted or amended as follows:

- A. Preparation of Policies. Any member of the Board of Selectmen, Personnel Board, the Town Administrator, or any three employees may suggest policies for consideration. The Town Administrator shall refer such policies to the Personnel Board, which Board need not consider any proposal already considered in the preceding 12 months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit, and a copy shall be submitted to the Board of Selectmen.
- B. Public Hearing. The entity responsible for suggestion of the proposed policy or amendment shall present the purpose of the proposal and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. The Town Administrator and the Personnel Board shall, within -20 days after such public hearing, shall consider the proposed policies and recommend that the Board of Selectmen adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.
- C. Recommended Policies. The Town Administrator, or the Personnel Board at the administrator's request, shall transmit recommendations in writing to the Board of Selectmen within 20 days of any recommendation on proposed personnel policies or amendments. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Board of Selectmen shall consider recommendations of the Town Administrator and Personnel Board and may adopt, reject or return recommendations for further action. The Board of Selectmen need only act on proposed policies recommended for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified.

D. Computation of Time. In computing time (days) under this by-law only days when the Town Hall is open for business shall be counted.

§ 90-8. Severability

The provisions of this by-law and any regulations adopted pursuant to this by-law are severable. If any by-law provision or regulation is held invalid, the remaining provisions of the by-law or regulations shall not be affected thereby.

Chapter 138. TOWN MEETINGS: § 138-2. Annual Town Meeting is amended by deleting § 138-2 in its entirety and substituting therefore a new §138-2 Annual Town Meeting as follows:

“All business, except the election of officers and determination of such matters as by law are required or permitted to be upon the ballot, shall be considered at an adjournment thereof, as provided in the Town Charter. There shall also be a second business session Annual Town Meeting held in the last three months of the calendar year on a date to be determined by the Board of Selectmen, which meeting shall be 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 ten petitioned articles have been submitted for inclusion on the warrant of said Fall Annual Town Meeting, as set forth in the Charter, 2-6-1. Business sessions shall be called for 7:30 p.m.

Chapter 138, TOWN MEETINGS: § 138-3. Town Meeting warrant is amended by deleting section 138-3, in its entirety and substituting therefore a new § 138-3 as follows:

”Every Town Meeting shall be called by a Warrant, directed by the Board of Selectmen to a constable or other duly appointed person, which shall be served by posting attested copies thereof online and in four public places equally distributed among the four precincts, and at least seven days before the time stated in the warrant for holding an Annual Town Meeting or at least 14 days before the time stated in the warrant for holding a Special Town Meeting.

Chapter 138, TOWN MEETINGS: § 138-4. Publication and printing of warrant is amended by adding a new paragraph, as follows:

““The Finance and Warrant Commission shall distribute at least 30 days prior to the business session a summary of each article contained in the warrant of the Annual Town Meeting to the listed residence of each voter of the Town. A copy of the complete warrant shall be included in the Finance and Warrant Commission report for the Annual Town Meeting and shall also be distributed to the listed residence of each voter of the Town prior to such annual Meeting. Prior to each Special Town Meeting, the Finance and Warrant Commission shall distribute a summary of each article contained in the warrant for said meeting to the listed residence of each voter of the Town. The summaries and reports required hereunder shall be posted on the Town’s website and copies made available at the Town Clerk’s office provided however that while it is the intent of this by-law that every effort shall be made to distribute and post the summaries and reports as set forth herein, failure to do so shall not invalidate the action of the Town Meeting to which they relate.

Chapter 138, TOWN MEETINGS, §138-7, titled Voter initiative for Town Meeting action is amended by deleting said title in its entirety and substituting the following; § 138-7-1. "Petition."

Chapter 138, Town Meetings, §138-7, is amended by adding a new §, 138-7-2 titled Pre-Petition to read as follows:

- "A. Any five voters of the Town may submit to the Board of Selectmen or the Finance and Warrant Commission not less than 30 days prior to the closing of the warrant, a proposed warrant article and shall designate a "lead Petitioner" for the purposes of this section.
- 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 no later than seven days prior to the close of the warrant.
- C. Failure to submit an article under §138-7-2 shall not prevent the filing of a petition under § 138-7-1; provided however, that any guidance provided to the petitioners under § 138-7-2 shall not be binding on the Finance and Warrant Commission or Board of Selectmen in the event that a petition is submitted under §138-7-1"

Chapter 142. TOWN REPORT, ANNUAL §142-2, titled Distribution deadline is amended by deleting said section in its entirety and substituting the following:

"The Selectmen shall, on or about the 25th day of February, cause the Annual Town Report to be posted on the Towns website with copies available at Town offices. "

or take any other action thereon.

(Town Clerk)

ARTICLE 19

To see if the Town will vote to amend Chapter 184 of the General by-laws, "Animals" by deleting said chapter in its entirety and substituting therefor the following:

CHAPTER 184

Article I. Animal Control

§ 184-1. Definitions.

The following terms shall have the meaning herein given:

AT LARGE

Means unaccompanied by a responsible person.

ANIMAL CONTROL OFFICER

Means that person appointed by the Selectmen or otherwise serving in the capacity of Animal Control Officer for the Town of Westwood.

OESTRUS CYCLE

Means the technical term for the common expression "in heat."

OUT OF CONTROL

Means accompanied by a person not exerting the proper supervision.

RESTRAINED

Means being kept leashed when outside the bounds, or fenced within the bounds of the property of the owner or keeper.

§ 184-2. Complaints.

If any person shall make a complaint in writing *Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.* and under oath the Animal Control Officer of Westwood that any dog has committed a violation of any of the provisions listed in §184-4, the Animal Control Officer shall investigate such complaint and after finding such violation shall cause such dog to be impounded or restrained and cause the owner or keeper of such dog to receive a written warning or pay a penalty as set forth in §184-3. The Animal Control Officer shall keep a written record of each such investigation and shall provide a copy thereof to the owner or keeper of the dog and the complainant.

§ 184-3. Penalties.

The penalty imposed upon an owner or keeper of a dog which has committed a violation of any of the provisions listed in §184-4 except for those offenses set forth in §184-4A (5) and (6) shall be \$25 for the first offense, \$50 for the second offense and \$75 for each subsequent offense. The penalty for violations of any of the provisions listed in §184-4A (5) and (6) shall be a mandatory penalty of \$50 for the first offense and \$100 for each subsequent offense.

§ 184-4. Violations.

- A. The Animal Control Officer shall cause penalties to be invoked for any of the following reasons:
- 1) If found without a license, collar, or tag as required by M.G.L. c. 140.
 - 2) If found at large when in her oestrus cycle, or if creating a nuisance.
 - 3) No dog shall be permitted to be unrestrained while in or near any school yard, public park, public playground, public cemetery, or public or school recreational field or facility. Further, no person shall permit a dog under that person's control to defecate on any school yard, public park, public playground, public cemetery, or public or school recreational field or facility or any public property abutting

thereto. Further, no dog shall be permitted to be at large or out of control of a responsible person in any other public area not designated within this subsection.

- 4) If found at large or not in control of dog's owner.
- 5) For having bitten, injured, or physically harmed any person or domestic animal; or having caused any person to be fearful for their safety by chasing, worrying, snapping, or otherwise frightening said person.
- 6) For having bitten or injured any domestic animal.
- 7) For chasing any vehicle or bicycle on a public way or way open to public traffic.
- 8) If the dog is found to bark, howl, or in any other manner to basically disturb the quiet of any person.
- 9) For having disturbed, spilled, or otherwise upset rubbish or trash.
- 10) For having littered, defecated, or caused damage to the property of any person (except for the property of the owner/keeper of the dog).
- 11) If found at large or out of control after having been ordered restrained by the Animal Control Officer.

B. An impounded dog or domestic animal shall be released to its owner or keeper upon payment of the penalty as described in §184-3 and upon payment of the pound fees as provided for in M.G.L.c.140. The following conditions, if applicable, shall also apply:

- 1) In the case of a dog impounded under Subsection A. (1) above, upon the obtaining of a license as required by law.
- 2) Except as hereinafter provided in § 184-5, in the case of a dog impounded under Subsection A.(2) above, upon the agreement of the owner or keeper to undertake such restrictions or controls of the animal to prevent violations of Subsection A.(2) as the Animal Control Officer shall reasonably require.

C. Dogs impounded and unclaimed by the owner or keeper within seven days may be put up for adoption or euthanized in accordance with the M.G.L. c.140§151A.

D. For purposes of Subsection C. above, no dog shall be obtained for the purpose of scientific experimentation, investigation, or instruction as discussed in M.G.L. c. 140, § 151.

§ 184-5. Control of dogs in oestrus cycle.

If the Animal Control Officer determines that a dog in her oestrus cycle is attracting other dogs to the area, which conditions cause disturbances on or damage to neighboring property or public

areas, he may impound the dog for the duration of the oestrus cycle, releasing it thereafter to the owner or keeper upon payment of penalties, if applicable, and upon payment of pound fees; as an alternative, the Animal Control Officer may require that the owner, or keeper, place and keep such a dog, while in such cycle, in a kennel or remove it from the area so that the nuisance is abated.

§ 184-6. Control of dogs.

- A. Restraint of dogs. In addition to and not in limitation of any other remedies or penalties, the Animal Control Officer shall order the owner or keeper of a dog to restrain a dog for violation of any of the provisions listed in §184-4A. After a period of no less than 21 days, the Animal Control Officer may, at his discretion, remove an order of restraint if the owner or keeper of the dog satisfies him that the dog is unlikely to repeat the offense.

- B. Permanent restraining or muzzling of dogs. If any person shall make a complaint in writing *Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.* to the Animal Control Officer of Westwood that any dog is a nuisance by reason of vicious disposition, or by repeated violations of any of the provisions listed in §184-4A which are contrary to the safety and welfare of the community. The Animal Control Officer shall investigate such complaint, which may include an examination on oath of the complainant, the owner or keeper and witnesses, and upon finding that such dog is a nuisance as hereinbefore set forth shall order such dog to be permanently restrained and/or muzzled or request the Selectmen to banish and remove the dog from the Town of Westwood in accordance with M.G.L.c140.

§ 184-7. Enforcing officer.

This by-law shall be enforced the Animal Control Officer of Westwood and/or others who may be appointed from time to time by the Board of Selectmen of Westwood for such purpose.

§ 184-8. Validity.

- A. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.
- B. This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in M.G.L. c. 140 but is in addition thereto.

§ 184-9. Enforcement.

In addition to the foregoing and not in limitation thereof, the Animal Control Officer shall impound any dog found at large.

§ 184-10. Licensing; dogs worrying, maiming or killing livestock.

- A. No person shall own or keep a dog in the Town of Westwood which is not duly licensed as required by the provisions of M.G.L c. 140, § 137 The registering, numbering, describing and licensing of dogs shall be conducted in the office of the Town Clerk of said Town. Any person who no longer owns a dog shall notify the Town Clerk immediately.

- B. When license fees for dogs are due in January of each year and the dog is a spayed female or neutered male, the spaying or neutering certificate must be presented at the time of license application. All rabies shot certificates must be shown before a new license can be issued.
- C. Notwithstanding the provisions of M.G.L. c. 140, § 139 or any other provision of law to the contrary, the annual fees charged for the issuance of licenses for dogs shall be established by the Town Clerk in accordance with the provisions of M.G.L. c. 40, § 22F. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Town or other disposal of said dog.
 - 1) Effective January 1, 2011, the term of any license issued by the Town Clerk shall be for the period of January 1 to December 31. The Town may impose a late fee of not less than \$50 in accordance with the provisions of M.G.L.c.140,§141 to be paid by the owners who license said dog or dogs after April 1, of any given year.
- D. Notwithstanding the provisions of M.G.L. c. 140, § 147 or any other provision of law to the contrary, all money received from the issuance of dog licenses by the Town of Westwood, or recovered as fines or penalties by said Town under the provisions of M.G.L. c. 140 or by vote of the Town under Article 38 of the warrant for the 1981 Annual Town Meeting relating to dogs, shall be paid into the treasury of said Town and shall not thereafter be paid over by the Town Treasurer to Norfolk County.
- E. Notwithstanding the provisions of M.G.L. c. 140, § 160 or any other provision of law to the contrary, whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by dogs, outside the premises of the owners or keepers of such dogs, shall, after investigation as provided in M.G.L. c. 140, § 161, be paid from the treasury of said Town.

or take any other action thereon.

(Town Clerk)

ARTICLE 20

To see if the Town will vote to authorize the Blue Hills Regional Technical School District to establish a Stabilization Fund according to Chapter 71, Sections 16G.5 of the Massachusetts General Laws, or take any other action relative thereon.

(Board of Selectmen)

ARTICLE 21

To see if the town will vote to authorize the Board of Selectmen to accept and grant certain easements pursuant to a declaration of reciprocal easements and rights with The Colburn School

LLC in order to clarify the rights and obligations concerning the use and maintenance of the Colburn Property and the Town Library Property or take any other action thereon.

(Board of Selectmen)

ARTICLE 22

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.4 [Wireless Communication Overlay District (WCOD)], as set forth below:

- 1) Replace the existing Section 9.4 [Wireless Communication Overlay District (WCOD)] with a new Section 9.4 [Wireless Communication Overlay District (WCOD)] to read as follows:

9.4 WIRELESS COMMUNICATION OVERLAY DISTRICT (WCOD)

9.4.1 **Purpose.** The purpose of the Wireless Communication Overlay District (WCOD) is to permit and regulate the use of wireless communication facilities within the Town and to encourage their location and use in a manner which minimizes negative visual and environmental impacts. It is intended that this Section be in compliance with the Federal Telecommunications Act of 1996 in that the requirements of this section: (i) do not prohibit or have the effect of prohibiting the provision of wireless communication services; (ii) are not intended to discriminate unreasonably among providers of functionally equivalent services; and (iii) do not regulate wireless communication services on the basis of environmental effect of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions. This Section does not apply to the construction or use of an antenna structure by a federally licensed amateur radio operator, as exempted by M.G.L. Chapter 40A, Section 3.

9.4.2 **Location.** The Wireless Communication Overlay District– (WCOD 1) is herein established as an overlay district as shown on the Official Zoning Map and as described herein:

9.4.2.1 **The WCOD shall comprise all land within the following zoning districts:**

Administrative-Research-Office (ARO)
Highway Business (HB)
Industrial (I)
Industrial-Office (IO)

9.4.2.2 The WCOD shall also include the following specific parcels, or discreet portions of parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2014:

Parcel 04-001 (Hale Reservation, limited to existing utility easement);
Parcel 09-065 (Dedham-Westwood Water District water towers);
Parcel 14-046 (High Street Fire Station);
Parcel 14-071 (Town Hall);
Parcel 14-072 (Police Station);
Parcel 14-079 (Westwood Public Library);
Parcel 14-094 (Deerfield School);
Parcel 14-096 (St. John’s Episcopal Church);
Parcel 14-140 (First Baptist Church);
Parcel 14-181 (Colburn School Building);
Parcel 16-005 (Hanlon School); Parcel 16-238 (St. Denis Church);
Parcel 16-250 (First Evangelical Free Church);
Parcel 20-072 (Baker Conservation Area, limited to portion so designated
on plan entitled “Wireless Communications Overlay District,
Parcel 20-072 (Baker Conservation Area), Westwood,
Massachusetts”, prepared by BETA Engineering, and dated April
15, 2013);
Parcel 21-044 (St. Margaret Mary Church);
Parcel 21-047 (Thurston Middle School);
Parcel 21-048 (Westwood High School);
Parcel 21-050 (First Parish of Westwood United Church);
Parcel 21-064 (First Parish of Westwood United Church);
Parcel 23-189 (Islington Community Center);
Parcel 23-215 (Islington Fire Station and Morrison Field);
Parcel 24-135 (Downey School);
Parcels 27-022 and 27-221 (June Street Conservation Area, limited to
portion so designated on plan entitled “Wireless Communications
Overlay District, Parcels 27-022 and 27-221 (June Street
Conservation Area), Westwood, Massachusetts”, prepared by
BETA Engineering, and dated April 15, 2013);
Parcel 28-077 (Sheehan School);
Parcel 28-078 (Sheehan Fields, limited to portion so designated on plan
entitled “Wireless Communications Overlay District, Parcel 28-
078 (Sheehan Fields), Westwood, Massachusetts”, prepared by
BETA Engineering, and dated April 15, 2013);
Parcel 28-329 (Temple Beth David);
Parcels 29-123 (Westwood Lodge);
Parcel 35-089 (Martha Jones School); and
That abandoned portion of public right-of-way which extends from the
intersection of Grove Street and Country Club Road to Route 128.

9.4.3 **Definitions.** For the purposes of this Section, the following definitions shall apply:

9.4.3.1 **Wireless communication facility.** Any tower, pole, antenna, receiving or transmitting equipment of any kind, and any equipment or structure

related to wireless communication activities such as cellular telephone service, personal communication service (PCS), enhanced specialized mobile radio service, paging, light radio, and any other functionally equivalent service, including access ways, screening materials and landscaping associated with said facility.

9.4.3.2 **Minor wireless communication facility.** A wireless communication facility for which all components are located fully within a building or structure, and are not visible from the exterior of said building or structure, or for which any components located outside of, or attached to, an existing building or structure are less than ten (10) feet in height.

9.4.3.3 **Major wireless communication facility.** A wireless communication facility not meeting the limitations specified for a Minor wireless communication facility.

9.4.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in a WCOD may be used for any purpose permitted as of right or by special permit in the underlying district. Minor wireless communication facilities and Major wireless communication facilities may be permitted in the WCOD as set forth in this Section. Wireless communication facilities, whether Major or Minor, shall not be permitted outside the boundaries of the WCOD.

9.4.5 **Permits Required.**

9.4.5.1 Minor wireless communication facilities to be located entirely within the interior of an existing building or structure, and not involving a change to the exterior size or appearance of the building or structure, or to be located entirely within the interior of an addition to an existing building where said addition is approved pursuant to Section 7.3 of this bylaw, and which facilities are not visible from the exterior, shall be a permitted use in the WCOD, provided that the wireless communication facility complies with FCC standards for radio frequency emissions and receives a building permit from the Building Inspector. However, any addition to an existing building which is designed primarily to house a wireless communication facility, shall require a WCOD EIDR Approval from the Planning Board in compliance with the provisions of this section and Section 7.3 of this bylaw.

9.4.5.2 Minor wireless communication facilities to be located outside of, or attached to, an existing building or structure, including an existing communication facility, utility transmission tower or pole, water tower or related facility, shall be a permitted use in the WCOD, provided that the wireless communication facility is no more than ten (10) feet in height, adds no more than ten (10) feet in height to the building or structure, and

receives a WCOD EIDR Approval pursuant to this section and Section 7.3 of this bylaw.

9.4.5.3 Minor wireless communication facilities to be located entirely within the interior of a new building which is designed primarily to house a wireless communication facility, and which facilities are not visible from the exterior, shall be permitted in the WCOD only upon the issuance of a WCOD Special Permit from the Planning Board in compliance with the provisions of this section.

9.4.5.4 Major wireless communication facilities may be permitted in the WCOD only upon the issuance of a WCOD Special Permit from the Planning Board, which shall include a determination by the Planning Board that the location of the proposed facility would provide adequate screening and/or buffering such that the proposed facility would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Bylaw.

9.4.6 **Application and Submittal Requirements.** An application for a WCOD Special Permit or WCOD EIDR Approval shall be filed in accordance with the Planning Board's Rules and Regulations for Wireless Communication Overlay District Special Permits, and shall include the following, except to the extent waived by the Planning Board:

9.4.6.1 Locus map at a scale of 1":200' which shall show all streets, landscape features, dwellings units and all other structures within five hundred (500) feet of the proposed wireless communication facility.

9.4.6.2 Site plan prepared by a Registered Professional Engineer at a scale of 1":40' which shall show the following information:

9.4.6.2.1 Location, size and height of the wireless communication facility, including the location, size and height of all accessory structures and equipment.

9.4.6.2.2 Property boundaries of the site.

9.4.6.2.3 Topographical site information, including existing and proposed elevations.

9.4.6.2.4 Fencing, landscaping, lighting and signage.

9.4.6.2.5 Areas to be cleared of vegetation and trees.

9.4.6.2.6 Location and identification of all existing buildings, structures and uses of land located on the site.

- 9.4.6.2.7 Location and identification of all existing buildings, structures and uses of land located within five hundred (500) feet of the property boundaries of the site.
 - 9.4.6.3 Profile or elevation drawings to illustrate the view lines from the wireless communication facility to all nearby residences and public areas.
 - 9.4.6.4 Color photograph or computerized rendition of the wireless communication facility and its components and accessory structures. For a Major wireless communication facility, a rendition shall also be prepared to illustrate the view lines from all neighboring streets.
 - 9.4.6.5 Description of the wireless communication facility and the technical, economic and other reasons for the proposed location, height and design.
 - 9.4.6.6 Visual representation of the area of solid Radiofrequency Radiation (RFR) coverage and the area of marginal RFR coverage of the wireless communication facility, existing and proposed.
 - 9.4.6.7 Confirmation that the wireless communication facility complies with all applicable federal and state standards, regulations, statutes and other requirements. This shall include, if applicable, a written statement that the wireless communication facility is in compliance with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health.
 - 9.4.6.8 A description of the wireless communication facility's capacity, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - 9.4.6.9 Documentation that the Applicant has the legal right to install and use the wireless communication facility.
 - 9.4.6.10 After the submittal of an application, the Planning Board may require that the Applicant perform a "balloon test" or other test in the field sufficient to illustrate the proposed height and location of the wireless communication facility in relation to the surrounding area.
- 9.4.7 Development Standards.**
- 9.4.7.1 An Applicant proposing a wireless communication facility must demonstrate to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby

properties will be minimal. The Applicant must also demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances, and that no reasonable combination of locations, techniques, or technologies will mitigate the height or visual impact of the proposed wireless communication facility.

- 9.4.7.2 Co-location of wireless communication facilities is encouraged. To the extent possible, wireless communication facilities shall be located in or on existing buildings or structures, including, but not limited to, buildings, communication facilities, utility transmission towers or poles, water towers, and related facilities, provided that such installation preserves the character and integrity of these buildings or structures. The Applicant shall have the burden of demonstrating to the satisfaction of the Planning Board that a good faith effort has been made to co-locate on an existing building or structure, or on an existing Major or Minor wireless communication facility, that there are no feasible existing buildings or structures upon which to locate, and that no reasonable combination of locations, techniques or technologies will obviate the need for the proposed wireless communication facility.
- 9.4.7.3 Major wireless communication facilities shall be designed and constructed to accommodate the maximum number of presently interested users that is technologically practical, except where the Planning Board determines that a reduction in the size or height of a facility would be preferable despite a negative effect on co-location opportunity. In addition, if the number of proposed users is less than four, the applicant shall provide a plan showing how the proposed tower can be expanded to accommodate up to four users. In the event that the Planning Board finds that co-location is preferable, the applicant must agree to allow co-location pursuant to commercially reasonable terms to additional users.
- 9.4.7.4 All new antenna support structures shall be buildings or monopoles. Where appropriate to the surrounding area, at the sole discretion of the Planning Board, monopoles shall be disguised as flag poles or trees.
- 9.4.7.5 The highest point of a Major wireless communication facility, including its antenna support structure and any component thereof or attachment thereto, shall not exceed one hundred (100) feet above ground level, except that this height limit may be increased, at the sole discretion of the Planning Board, subject to a finding that such increased height will have no significant adverse impact on the town and surrounding residential properties.
- 9.4.7.6 The maximum diameter or width of any Major wireless communication facility antenna support system shall be no more than three (3) feet, except that this diameter or width may be increased, at the sole discretion of the

Planning Board, subject to a finding that such increased diameter or width will have no significant adverse impact on the town and surrounding residential properties.

- 9.4.7.7 All Major wireless communication facilities shall be setback from all property lines abutting any public way, including any sidewalk, a distance equal to one hundred percent (100%) of the height of the highest point of the wireless communication facility, except that this setback requirement may be reduced, at the sole discretion of the Planning Board, to allow the integration of a wireless communication facility into an existing or proposed building or structure.
- 9.4.7.8 No Major wireless communication facility shall be constructed within a distance equal to one hundred percent (100%) of the height of the highest point of the wireless communication facility from any existing residential dwelling or any proposed dwelling for which a building permit or subdivision approval has been issued. However, this regulation shall not prohibit the later development of any residential dwelling within said distance from an existing wireless communication facility.
- 9.4.7.9 All equipment enclosures and other improvements included within a wireless communication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair.
- 9.4.7.10 Unless waived by the Planning Board, fencing shall be provided to control access to the base of a Major wireless communication facility. The fencing shall be compatible with the scenic character of the Town, as determined by the Planning Board, and shall not consist of chain link, barbed wire or razor wire.
- 9.4.7.11 All exterior wireless communication facilities shall be painted, colored, molded, installed or otherwise screened to minimize their visibility to abutters, adjacent streets, views from scenic roads, and residential neighborhoods. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Existing on-site vegetation shall be preserved to the maximum extent feasible.
- 9.4.7.12 All antennas on a Major wireless communication facility shall be single unit cross-polar antennas. Antennas shall be designed and mounted in such a manner as to present the smallest possible silhouette, profile, or cross-section.

- 9.4.7.13 Wireless communication facilities shall not be lighted unless required by the Federal Aviation Administration (FAA), or unless after consultation with the Police and Fire Chiefs, the Planning Board requires such lighting for public safety reasons, or unless the Planning Board requires the lighting of a monopole disguised as a flag pole.
- 9.4.7.14 Wireless communication facilities shall not interfere with nor have any negative effect on the Town's emergency radio communications.
- 9.4.7.15 Signs posted for advertisement or any other reasons shall not be allowed on or in the vicinity of a Major wireless communication facility, with the exception of one (1) sign not exceeding four (4) square feet in area at the facility which shall display the name and telephone number of the person and company responsible for the maintenance of the facility. The signage shall also display a 'No Trespassing' warning.
- 9.4.8 **Decision.** A WCOD Special Permit or WCOD EIDR Approval shall only be granted upon the determination of the Planning Board that the application meets the objectives cited herein. The Planning Board may impose reasonable conditions at the expense of the Applicant, including performance guarantees, to promote these objectives. Prior to the issuance of any WCOD Special Permit or WCOD EIDR Approval, the Planning Board shall make positive findings that:
- 9.4.8.1 The Applicant has demonstrated to the satisfaction of the Planning Board that there exists a significant gap in coverage and that said gap would be sufficiently reduced or eliminated by the proposed wireless communication facility.
- 9.4.8.2 The Applicant has demonstrated to the satisfaction of the Planning Board that the wireless communication facility must be located at the proposed site due to technical, topographical or other unique circumstances, in order to satisfy a demonstrated gap in coverage.
- 9.4.8.3 The Applicant has demonstrated to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal, and that no reasonable combination of locations, techniques or technologies will mitigate the height or visual impact of the proposed wireless communication facility.
- 9.4.8.4 The Applicant has demonstrated, in any case where a major wireless communication facility is permitted within the WCOD, that the location of the proposed facility would provide adequate screening and buffering such that the proposed facility would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Bylaw.

9.4.8.5 The Applicant has demonstrated to the satisfaction of the Planning Board that the wireless communication facility will have no significant adverse impact on the town and surrounding residential properties.

9.4.9 **Discontinuance of Use.** A wireless communication facility, and all accessory equipment, shall be removed within six (6) months of abandonment or discontinuation of use. As a condition of any special permit for the placement, construction or modification of a Major wireless communication facility, the Applicant shall provide a bond, in a form acceptable to the Town, or shall place into escrow a sum of money sufficient to cover the costs of removing the facility from the subject property and said funds shall be held by an independent escrow agent to be appointed by the Applicant and the Planning Board. The amount of the surety shall be certified by a Registered Professional Engineer or Registered Professional Architect. The Applicant shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.

9.4.10 **Pre-existing Non-conforming Facilities.** Any wireless telecommunication facility legally in existence on the date of enactment of this section which does not comply in all respects with these provisions shall be deemed a pre-existing non-conforming use. Such wireless communication facilities may be renewed by vote of the Planning Board at a public meeting. Non-conforming Minor wireless communication facilities may be reconstructed, expanded and/or altered pursuant to the issuance of a WCOD EIDR Approval from the Planning Board in compliance with the applicable provisions of this section. Non-conforming Major wireless communication facilities may be reconstructed, expanded and/or altered pursuant to the issuance of a WCOD Special Permit from the Planning Board in compliance with the applicable provisions of this section. A new Minor wireless communication facility associated with a non-conforming Major wireless communication facility may be granted WCOD-EIDR Approval in compliance with the applicable provisions of this section.

9.4.11 **Time Limitation.** A special permit issued for a Major wireless communication facility over fifty (50) feet in height shall be valid for a period of five (5) years. At the end of this time period, the Major wireless communication facility shall be removed at the Applicant's expense unless the Applicant receives approval from the Planning Board to renew the WCOD Special Permit for an additional five (5) years.

- 2) Revise Official Zoning Map to reflect proper delineation of Wireless Communication Overlay District.

(Planning Board)

ARTICLE 23

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to signs, including amendments to Section 6.2 [Signs], and related amendments to Section 2.0 [Definitions], as set forth below:

- 1) Remove the existing Section 6.2.2.21, add a new Section 6.2.2.21 to read as follows, and renumber previous and subsequent sections as appropriate:

6.2.2.21 Real Estate Open House Sign A temporary sign announcing a real estate open house during which an agent or owner will show property for sale or lease.

- 2) Replace the existing Section 6.2.2.26, with a new Section 6.2.2.26 to read as follows:

6.2.2.26 Special Events Sign A temporary sign that advertises a charitable, nonprofit or civic event, which event may include an open house, registration or similar event associated with a charitable, nonprofit or civic organization.

- 3) Replace the existing Section 6.2.3 with a new Section 6.2.3 to read as follows:

6.2.3 **Sign Permits.** No sign, including a temporary sign, shall be erected, displayed, altered or enlarged until a permit for such action has been issued by the Building Commissioner. Applications may be filed by the owner of the land, building or structure, or any person who has the authority to erect a sign on the premises. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems and location with all relevant measurements. The Building Commissioner shall act within thirty (30) days of receipt of such application and required fee. Sign permits shall be issued only if the Building Commissioner determines that the sign is in compliance with all provisions of this Section and the State Building Code. Notwithstanding the above, historic designation signs, temporary real estate signs, temporary political signs, temporary special event signs, real estate open house signs, and yard sale signs shall not require a sign permit.

- 4) Replace the existing Section 6.2.10.1.1 with a new Section 6.2.10.1.1 to read as follows:

6.2.10.1.1 Temporary signs may only be installed with the permission of the property owner. Temporary signs to be placed on Town property require the prior written permission of the Town Administrator, and shall be in full conformance with applicable town policy for said signs.

- 5) Replace the existing Section 6.2.10.4, with a new Section 6.2.10.4 to read as follows:

6.2.10.4 **Temporary Political Signs.** Temporary political signs shall be permitted in all Districts, and shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.

6) Replace the existing Section 6.2.10.5, with a new Section 6.2.10.5 to read as follows:

6.2.10.5 **Temporary Banners.** Temporary banners announcing charitable, nonprofit, or civic events to be held within the geographic boundaries of the Town of Westwood, shall be permitted for a period of time not to exceed thirty (30) consecutive days prior to the event. All temporary banners shall be removed within ten (10) days after such event. Such banners may be erected across public ways with the prior written permission of the Town Administrator upon such terms and conditions as it shall determine, including size, location and design.

7) Replace the existing Section 6.2.10.6, with a new Section 6.2.10.6 to read as follows:

6.2.10.6 **Temporary Special Event Signs.** Temporary special events signs, including off-premises temporary special event signs, shall be permitted for a period of time not to exceed fourteen (14) consecutive days prior to the advertised event. All temporary special event signs shall be removed within two (2) days after such event. Temporary special event signs shall be limited to no more than (6) square feet in area, and to no more than three (3) feet in height. No more than one (1) temporary special event sign shall be displayed on any property at any one time, and no more than four (4) temporary special event signs shall be displayed on any property during the course of a single calendar year. Temporary special event signs shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.

8) Replace the existing Section 6.2.10.7, with a new Section 6.2.10.7 to read as follows:

6.2.10.7 **Real Estate Open House Signs.** Open house signs, not exceeding six (6) square feet in area, shall be permitted only on the property which is for sale or lease, and/or at nearby intersections to guide potential buyers to that location, and shall only be permitted during the hours of the open house. Real estate open house signs shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.

(Planning Board)

ARTICLE 24

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to medicinal marijuana, including amendments to Section 4.1 [Principal Uses], Section

2.0 [Definitions], and Section 6.1.5 [Parking Requirements for Commercial Uses], and adoption of a new Section 4.6 [Interim Regulations for Medicinal Marijuana Use], as set forth below:

- 1) Add a new Section 4.1.5.37 to read as follows, with “BA” in columns under district ARO, and with “N” in all other columns:

4.1.5.37 Medicinal Marijuana Dispensary

- 2) Add a new Section 4.1.5.38 to read as follows, with “N” in all columns:

4.1.5.38 Other Marijuana Facility

- 3) Add new Sections 2.87 and 2.98 to read as follows, and renumber subsequent sections as appropriate:

2.87 Medicinal Marijuana Dispensary An establishment, lawfully permitted and licensed by the state Department of Public Health or other applicable state entity, that acquires, cultivates, possesses, processes, sells, dispenses, distributes, or administers products containing or derived from marijuana, including, without limitation, food, tinctures, aerosols, oils, ointments, or smokables, and/or marijuana-related supplies or materials, to qualifying patients or their personal caregivers.

2.98 Other Marijuana Facility Any acquisition, cultivation, possession, processing, sale, dispensing, distribution, or administration of products containing or derived from marijuana, including, without limitation, food, tinctures, aerosols, oils, ointments, or smokables, and/or marijuana-related supplies or materials, other than a Medicinal Marijuana Dispensary.

- 4) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by adding new Section 6.1.5.12 to read as follows, and renumber subsequent sections as appropriate:

<p>6.1.5.12 Medicinal Marijuana Dispensary</p>	<p>One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to selling, storage, service and all other activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises</p>
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- 5) Add a new Section 4.6 to read as follows:

4.6 INTERIM REGULATIONS FOR MEDICINAL MARIJUANA USE

4.6.1 Purpose. This Section is intended to provide restrictions that will allow the Town adequate time to consider regulations pertaining to facilities associated with the medicinal use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and to develop appropriate

standards, criteria and conditions for the establishment and operation of such facilities. Given that a law permitting the medicinal use of marijuana in the Commonwealth of Massachusetts shall be in effect beginning January 1, 2013, and the Massachusetts Department of Public Health has yet to promulgate the regulations by which such facilities shall be registered and administered, a restriction on the establishment of such facilities shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations to appropriately address these considerations consistent with state regulations and permitting procedures.

- 4.6.2 **Restriction on Applicability of Section 4.1.5.3.7.** No medical marijuana dispensary shall be permitted by special permit pursuant to 4.1.5.37 so long as this Section 4.6 is effective, as set forth in Section 4.6.3.
- 4.6.3 **Period of Restriction.** The Section 4.6 shall be effective immediately and continuing through May 6, 2014.

(Planning Board)

ARTICLE 25

To see if the Town will vote to approve housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections, as set forth below:

- 1) Replace the words “impermeable cover and surface which the Board of Appeals finds is so designed to prevent the generation” with the words “impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge” in existing Sections 9.3.5.3 and 9.3.5.4 so that the amended sections reads as follows:

- 9.3.5.3 Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. Chapter 128, Section 64, but only in a structure with an impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.
- 9.3.5.4 Stockpiling of animal manures, but only in a structure with an impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.

(Planning Board)

ARTICLE 26

To see if the Town will vote to accept M.G.L. Chapter 59, Section 5, Clause Fifty-six, establishing a Citizen Solider Exemption in the Town of Westwood, or take any other action thereon.

(Board of Selectmen)

ARTICLE 27

To see if the Town will accept to adopt M.G.L.A. Chapter 59, Section 5N, which would entitle qualified Veterans as defined by in the Forty Third Clause of Section 7 of Chapter 4 M.G.L. to provide services to a city or town in exchange for a reduction in real estate property tax obligations at a rate of pay equal to the minimum wage of the Commonwealth per hour up to \$1,000 in any given year; the Town shall set aside up to \$10,000 as compensation for up to ten (10) veterans under this Veteran's Work Off Program in fiscal year 2014 and every year thereafter, or take any other action related thereon.

(Board of Selectmen)

ARTICLE 28

To see if the Town will accept Chapter 137 of the Acts of 2003 Military Pay Differential Act relative to public employees serving in the Armed Forces of the United States or take any other action thereon.

(Board of Selectmen)

ARTICLE 29

To see if the Town will vote to amend Chapter 338 – SOLICITING AND CANVASSING as follows:

§338-5. Application Requirements: by adding a new section C as follows:

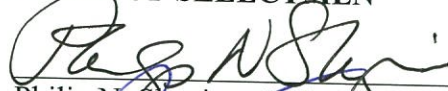
- C. The application will be considered and acted upon within two business days of its submission. If not acted upon within two business days, the applicant shall be notified.

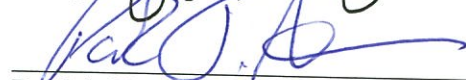
§338-6. Background check: by deleting this section in its entirety and inserting therefore the following:

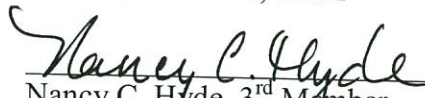
§338-6 Subject to the provisions of the Massachusetts Criminal Records Offender Statute, M.G.L. c. 6, §167 et seq., regulations promulgated thereunder and Chapter 339 Fingerprint Based Criminal Record Background Checks, of the Code of the Town of Westwood, the

Given under our hand this 1st day of April, 2013:

BOARD OF SELECTMEN

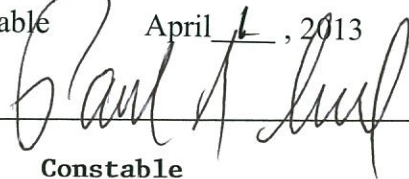

Philip N. Shapiro, Chairman


Patrick H. Ahearn, Clerk


Nancy C. Hyde, 3rd Member

Norfolk, ss:

By this Warrant, I have notified and warned the legal voters of Westwood, aforesaid to meet at the time and places specified in said warrant by posting attested copies of said Warrant in said Town seven days at least before the day of said meeting on eight bulletin boards erected by the Town and in at least eight public places equally distributed among the four precincts.

Constable April 1, 2013

Constable

4/5/13
Date