



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

POSTING DATE: DECEMBER 27, 2013

NORFOLK, SS.

TO EITHER OF THE CONSTABLES IN THE TOWN OF WESTWOOD IN SAID COUNTY:

GREETING:


In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

These amendments were voted under Articles 11, 12,13,14,15 &16, 17, & 18 of the Warrant for the 2013 Fall Town Meeting, which meeting was held on November 18, 2013.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:

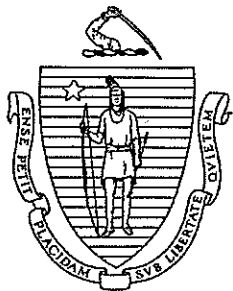


Dorothy A. Powers, CMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendments to the Bylaws of the Town of Westwood voted under the aforementioned articles of the 2013 Fall Town Meeting Annual on four bulletin boards erected by the town in public places in each of the four precincts of the Town.



Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

10 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

MARTHA COAKLEY
ATTORNEY GENERAL

A TRUE COPY ATTEST:

Dorothy A. Powers

TOWN CLERK
WESTWOOD MASSACHUSETTS

December 23, 2013

(508) 792-7600
(508) 792-1991 fax
www.mass.gov/ago

TOWN CLERK
TOWN OF WESTWOOD

DEC 24 A 11:30

Dorothy A. Powers, Town Clerk
Town of Westwood
580 High Street
Westwood, MA 02090

RE: Westwood Fall Annual Town Meeting of November 18, 2013 - Case # 7022
Warrant Articles # 11, 12, 13, 14, 15, and 16 (Zoning)
Warrant Articles # 17 and 18 (General)

Dear Ms. Powers:

Articles 11, 12, 13, 14, 15, 16, 17, and 18 - We approve the amendments to the Westwood by-laws adopted under these Articles, and the map pertaining to Article 15, at the November 18, 2013, Fall Annual Town Meeting. We will return the approved map to you by regular mail. Our comments on Articles 14 and 17 are provided below.

Article 14- The amendments adopted under Article 14 make a number of changes to the Town's zoning by-laws pertaining to pet care facilities and kennels. One change amends Section 2.0, "Definitions," pertaining to the definitions of kennels. Another change amends Section 4.1, "Principal Uses," to allow kennels and pet care facilities in certain zoning districts in the Town.

A. Attorney General's Standard of Review.

Pursuant to G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws. Amherst v. the Attorney General, 398 Mass, 793 795-96 (986). In order to disapprove a by-law, the Attorney General must cite an inconsistency between the by-law and Constitution or laws of the Commonwealth. Amherst, 398 Mass. at 796. "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid." Bloom v. Worcester, 363 Mass. 136, 154 (1973) (emphasis added). "The legislative intent to preclude local action must be clear." Bloom, 363 Mass. at 155.

When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare." Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town's police power and a legislative act, the vote carries a "strong presumption of validity." Durand, 440 Mass. at 51. "If the reasonableness of a zoning bylaw is even 'fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.'" Id. at 440 Mass. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). A zoning by-law must be approved unless "the zoning regulation is arbitrary and unreasonable, or substantially unrelated to the public health, safety, morals, or general welfare." Johnson v. Town of Edgartown, 425 Mass. 117, 121 (1997).

B. Challenge to the Validity of Article 14.

During the course of our review of Article 14 we received correspondence from a Town resident asserting that the amendments adopted under Article 14 are inconsistent with the protections given to agriculture under G.L. c. 40A, § 3. This letter has aided us in our review of Article 14. However, for the following reasons, we cannot conclude that the amendments adopted under Article 14 are inconsistent with G.L. c. 40A, § 3, and we therefore approve the by-law amendments adopted under Article 14.

C. Comments on the text adopted under Article 14.

The amendments adopted under Article 14 add new definitions for: kennels; commercial boarding or training kennels; commercial breeder kennels; personal kennels; veterinary kennels; and pet care facilities. On October 31, 2012, an *Act Further Regulating Animal Control* ("Animal Control Law") took effect in the Commonwealth. The new Animal Control Law added new definitions pertaining to types of kennels. The definitions adopted under Article 14 match the definitions in the new Animal Control Law.

The amendments adopted under Article 14 also amend the Town's Principal Uses by changing the title of the existing Section 4.1.5.17 "Kennel, Commercial" to "Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel." The Principal Uses table, as amended, provides that such uses are allowed as of right in the Town's HB district and by special permit in I and IO districts, and prohibited in all of the Town's other zoning districts. The amendments also change the Principal Uses table to allow "Pet Care Facility" as of right in the LBA, LBB, and HB districts, by special permit in the I and IO districts, and prohibited in all the Town's other zoning districts.

In certain circumstances kennels may be considered protected agricultural uses pursuant to G.L. c. 40A, § 3. See Sturbridge v. McDowell, 35 Mass. App. Ct. 924, 926 (1993) (the boarding, breeding, raising, and training of dogs for sale is a protected agricultural use). The

Town must apply the zoning by-law¹ consistent with that statute. General Laws Chapter 40A, Section 3, provides in relevant part:

No zoning . . . by-law . . . shall . . . prohibit unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products.....

General Laws Chapter 128, Section 1A, defines agricultures and provides in pertinent part as follows:

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market

These statutes together establish that, to the extent the use of land or structures constitutes commercial agriculture, the Town cannot require a special permit for, unreasonably regulate, or prohibit such activities: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales.

If the kennel uses listed in the Principal Uses table qualify as commercial agriculture under G.L. c. 40A, § 3, the Town cannot prohibit, require a special permit for, or unreasonably regulate these uses. We suggest that the Town discuss with Town Counsel the proper application of G.L. c. 40A, § 3, to these uses.

Article 17 - The amendments adopted under Article 17 delete Section 80-9, “Quarterly report by appointed boards” and insert a new Section 80-9 “Minutes.” The new Section 80-9 provides as follows:

In accordance with MGL ch. 30A, §22c [sic], Town Boards and Committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall within 10 days, be posted on the town’s website and filed with the Town

¹ The Town’s existing Principal Uses allows agricultural uses whether or not exempted from local zoning under as of right in the Town. See Sections 4.1.4.5 and 4.1.5.1.

Clerk.

General Laws Chapter 30A, Section 22, pertains to meeting minutes and records. Specifically, Section 22 (c) requires minutes of all open sessions to be created and approved in a timely manner. Section 22 (c) also requires minutes of an open session in existence, *whether approved or in draft form*, to be made available upon request by any person within 10 days. The new Section 80-9 must be applied in a manner consistent with G.L. c. 30A, § 22 (c)'s requirement of making minutes available whether approved or in draft form upon request by any person within 10 days. We suggest that the Town discuss the application of the new Section 80-9 with Town Counsel.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Thomas P. McCusker

2013 DEC 24 A 11: 21
TOWN OF WESTWOOD



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, C.M.C. C.M.M.C.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 11 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 11. The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw, Section 8.4 [Senior Residential Development (SRD)] as set forth below.

- 1) Remove the existing Section 8.4 [Senior Residential Development] in its entirety and replace with a new Section 8.4 [Senior Residential Development] to read as follows:

8.4 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

8.4.1 Purposes. The purposes of Senior Residential Development (SRD) are as follows:

- 8.4.1.1 to encourage the provision of independent living accommodations in the form of senior residential communities which are located and designed in such a manner as to uniquely serve the physical and social needs of senior residents, fifty-five (55) years of age and older, with a range of income levels and physical abilities;
- 8.4.1.2 to preserve and enhance Westwood's community character by ensuring design compatibility between new senior residential developments and existing neighborhoods; and
- 8.4.1.3 to preserve open space, protect natural and cultural resources, lessen disturbance to soils, topography and vegetation, and reduce the overall costs of developing high quality senior residential units by allowing for more efficient, compact layout than permitted under a conventional development.

8.4.2 Special Permit Required. A Senior Residential Development shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.

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

- 8.4.3.1 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, brother, sister, aunt, uncle, niece or nephew, and shall include a person so related by legal adoption and by the half blood.

- 8.4.3.2 There shall be not more than two (2) bedrooms in any dwelling unit, nor shall there be any den, office, bonus room, loft, attic, or similar area which could be converted for use as a third bedroom.
- 8.4.3.3 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.
- 8.4.3.4 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.
- 8.4.3.5 All dwelling units shall be designed to accommodate suitable means of access and egress for people with disabilities in conformance with 521 CMR Section 9. Additionally, in cases where supplemental wheelchair ramps and/or lifts are necessary to achieve suitable means of access and egress, architectural plans for individual dwelling units shall demonstrate the location and means of incorporating such ramps and/or lifts. Such ramps and/or lifts shall be installed by the owner of any dwelling unit if required by a resident of said dwelling unit.
- 8.4.3.6 In any project authorized under a SRD 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.

8.4.4 Types of Permissible Dwellings. The following types of dwellings may be authorized by SRD Special Permit:

- 8.4.4.1 single-family detached houses;
- 8.4.4.2 two-family houses;
- 8.4.4.3 two-family semi-detached houses;
- 8.4.4.4 townhouse-type dwelling units; or
- 8.4.4.5 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.

8.4.5 Specific Restrictions. A SRD shall also be subject to the following specific restrictions:

- 8.4.5.1 The number of dwelling units in an SRD Project shall be determined, at the Board's sole discretion, to allow between one (1) and ten (10) dwelling units per acre, but in no case shall the number of dwelling units be determined to be less than permitted for single-family dwelling units in the underlying district. When determining the maximum number of dwelling units permitted for the SRD Project, the Board shall take into account the amount of land in the development lot or parcel which may not be reasonably suited for residential development, including but not limited to wetlands, significant rock outcroppings, and areas with slopes in excess of 15%. The Board shall also take into account the amount of land necessary for access and egress, parking, buffer areas and dedicated open space, and shall base its determination of appropriate project density on the remaining developable area. The determination of appropriate project density shall be made by the Planning Board, which shall take into consideration the density of the surrounding properties, the visibility of the proposed development from abutting properties and public ways, and any graphic or analytic materials provided by the Applicant.
- 8.4.5.2 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 one hundred percent (100%) of the front setback requirement in the underlying district. Where proposed structures are to be developed on new interior drives, front yard setbacks may be reduced to not less than twenty (20) feet. There shall be no minimum side or rear setback between structures within a proposed SRD, however each proposed principal and accessory structure, driveway, and interior drive shall be set back a minimum of thirty (30) feet from the sides and rear of the perimeter of the SRD.
- 8.4.5.3 There shall be provided at least one and one half (1-1/2) off-street parking spaces per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof, and provisions shall be made for additional visitor parking spaces, in an amount deemed appropriate by the Board.
- 8.4.5.4 The maximum permitted lot coverage for a SRD shall be fifty percent (50%), including all structures, roadways, driveways and parking areas.
- 8.4.5.5 A SRD Project shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the SRD Special Permit, and no separate EIDR Approval shall be required.
- 8.4.6 **Procedures.** An application for a SRD Special Permit shall be filed in accordance with the Planning Board's Rules and Regulations for Special Permits.
- 8.4.7 **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.
- 8.4.8 **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:

- 8.4.8.1 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, and demonstrated market for proposed age-restricted units;
- 8.4.8.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;
- 8.4.8.3 Provision of appropriately designed on-site community facilities to serve the recreational and social needs of the proposed SRD Project's residents, unless the Board determines that such is unnecessary due to location of an SRD Project in close walking distance to similar off-site facilities;
- 8.4.8.4 Impact on the natural environment;
- 8.4.8.5 Impact on vehicular and pedestrian movement and safety, both within the development and on proximate roads;
- 8.4.8.5 Compatibility of the proposed development with the surrounding neighborhood;
- 8.4.8.7 Suitability of the proposed design, location, and layout of the overall SRD, and of each individual dwelling unit and all proposed common facilities, to uniquely serve the physical and social needs of senior residents.

8.4.9 **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.

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, Esq. C.M.C.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 12 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 12. The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw, Section 8.3 [Open Space Residential Development (OSRD)] as set forth below, or take any other action in relation thereto.

- 1) Remove the existing Section 8.3.4 [Minimum Tract Requirements] in its entirety and replace with a new Section 8.3.4 to read as follows:

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, 200,000 square feet in SRC, and 400,000 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.

- 2) Remove the existing Section 8.3.8.2 [Site Plan Approval Required] in its entirety and replace with a new Section 8.3.8.2 to read as follows:

8.3.8.2 Site Plan Approval Required. An OSRD Project 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 OSRD-EIDR Approval in the office of the town clerk.

- 3) Remove the existing Section 8.3.8.3 [Uses Requiring Special Permit] in its entirety and replace with a new Section 8.3.8.3 to read as follows:

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. The OSRD Project shall be subject to EIDR approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the OSRD Special Permit, and no separate EIDR Approval shall be required. No building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD Special Permit in the office of the town clerk.

- 4) Remove the existing Section 8.3.9.2 [Yield Calculation] in its entirety and replace with a new Section 8.3.8.3 to read as follows:

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 OSRD-EIDR or OSRD Special Permit 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 100% of all wetlands and all such other land as may be determined by the Board to be unsuitable for development, including but not limited to, significant rock outcroppings and areas with slopes in excess of 15%.
- 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:

<u>Yield</u>	<u>Added Units</u>
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.

- 5) Remove the existing Section 8.3.9.3 [OSRD Dimensional Requirements] in its entirety and replace with a new Section 8.3.9.3 to read as follows:

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 on existing street	100% of lot frontage requirement in underlying district	100% of lot frontage requirement in underlying district
8.3.9.3.3 Lot Frontage on an interior drive	75'	75'
8.3.9.3.4 Front Setback on existing street	100% of front setback requirement in underlying district	100% of front setback requirement 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'

- 6) Remove the existing Section 8.3.11.1 [Minimum Open Space Requirement] in its entirety and replace with a new Section 8.3.11.1 to read as follows:

8.3.11.1 Minimum Open Space Requirement. In the SRC and SRE districts, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space, or sixty (60) 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 sixty (60) 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.

- 7) Remove the existing Section 8.3.13 [EIDR Decision] in its entirety and replace with a new Section 8.3.13 to read as follows:

8.3.13 OSRD-EIDR Decision. Approval shall be granted by means of a written OSRD-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) Remove the existing Section 8.3.14 [Special Permit Decision for Single-family Attached Housing] in its entirety and replace with a new Section 8.3.14 [OSRD Special Permit Decision for Single-family Attached Housing] to read as follows:

8.3.14 OSRD Special Permit Decision for Single-family Attached Housing. Approval shall be granted by means of a written OSRD 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.

- 9) Remove the existing Section 8.3.15 [OSRD Special Permit Decision for Density Bonus Units] in its entirety and replace with a new Section 8.3.15 to read as follows:

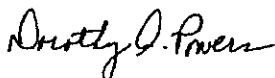
8.3.15 OSRD Special Permit Decision for Density Bonus Units. Approval shall be granted by means of a written OSRD Special Permit decision, based upon a finding by the Planning Board that the proposed density bonus meets one or more of the allowed bonuses in Section 8.3.9.4.

- 10) Remove the existing Section 8.3.16 [Special Conditions and Performance Guarantee] in its entirety and replace with a new Section 8.3.16 to read as follows:

8.3.16 Special Conditions and Performance Guarantee. The Planning Board may impose reasonable conditions as part of any OSRD-EIDR or OSRD Special Permit approval and may require suitable performance guarantees to assure compliance with those conditions.

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 13 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 13. The Finance Commission recommended that the town vote in favor of this article. A motion from the floor was made in writing to strike clause 8.1.2. The motion failed to achieve a 2/3 vote declared by the Moderator. The original article passed by a 2/3 vote in favor declared by the Moderator. One-Family Dwelling] as set forth below.

- 1) Remove the existing Section 8.1 [Conversion of One-Family Dwelling] in its entirety and replace with a new Section 8.1 [Conversion of One-Family Dwelling] to read as follows:

8.1 CONVERSION OF ONE-FAMILY DWELLING

8.1.1 Purposes. The purposes of this section are as follows:

- 8.3.1.1 to preserve culturally, historically, or architecturally significant residential structures of value to the community;
- 8.3.1.2 to encourage the preservation of community character through the maintenance of existing residential properties and their surrounding landscapes;
- 8.3.1.3 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character.

8.1.2 **Special Permit Required.** Upon the grant of a special permit by the Board of Appeals, the conversion and/or use of a one-family dwelling to a dwelling for not more than two (2) families may be authorized, provided that such one-family dwelling was constructed on or before December 31, 1938, and provided that the exterior character of the property remains consistent with that of a single-family dwelling, and provided that no accessory apartment is in existence on the same property pursuant to Section 4.4.2 of this Bylaw.

8.1.3 **Alterations, Relocations, or Additions.** The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration, relocation, or addition does not significantly change the exterior character of the property.

8.1.4 All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The maximum number of special permits to be issued and in effect shall not exceed one percent (1%) of the current number of single-family and two-family dwelling units in Town.

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, C.M.C. C.M.C.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 14 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 14. The Finance and Warrant Commission recommended and the Town voted by a 2/3 votes in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw to distinguish between pet care facilities and commercial kennels, including amendments to Section 2.0 [Definition], Section 4.1 [Principal Uses], and Section 6.1 [Off-Street Parking] as set forth below.

- 1) Delete the definitions of "Kennel" and "Kennel, Commercial" under Section 2.0 in their entirety, and add new definitions for "Kennel", "Commercial boarding and training kennel", "Commercial breeder kennel", "Personal kennel", and "Veterinary kennel" to read as follows:

Kennel A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Commercial boarding or training kennel An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Commercial breeder kennel An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

Personal kennel A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Veterinary kennel A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

- 2) Add a new definition for "Pet Care Facility" under Section 2.0 to read as follows:

Pet care facility A commercial establishment which caters to the needs, comfort, and/or benefit of pets, or which offers pet-oriented services including the grooming of dogs or domesticated animals, but which does not engage in the housing, breeding, boarding, training, or sales of such animals, and does not provide animal daycare.

- 3) Amend Section 4.1 [Principal Uses] by changing the title of the existing Section 4.1.5.17 [Kennel, Commercial] to "Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel".
- 4) Amend Section 4.1 [Principal Uses] by adding a new Section 4.1.5.17 entitled "Pet Care Facility", with "Y" in columns under districts LBA, LBB, an HB, with "BA" in columns under districts I and IO, and with "N" in all other columns, and renumber subsequent sections as appropriate.
- 5) Amend Section 4.3 [Accessory Uses] by changing the title of the existing Section 4.3.3.9 [Kennel, or animal clinic or hospital, but only if located on the same premises as a dwelling unit and conducted by a resident thereof] to "Personal kennel, Veterinary kennel, or animal clinic or hospital, but only if located on the same premises as a dwelling unit and conducted by a resident thereof".
- 6) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by changing the title of the existing Section 6.1.5.9 [Kennel, Commercial] to "Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel".
- 7) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by adding new Section 6.1.5.9 to read as follows, and renumber subsequent sections as appropriate:

6.1.5.9 Pet Care Facility

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

Witness my hand and seal of the Town of Westwood, this 27th day of December, 2013.

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 15 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 15. The Finance and Warrant Commission recommended and the Town voted by a 2/3 votes in favor declared by the Moderator to approve certain amendments to the Town of Westwood Official Zoning Map, to correct errors or omissions.

- 1) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, Version 1, November 18, 2013".

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:

Dorothy A. Powers



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

****Map on file in Town Clerks office**



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 16 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 16. The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator 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) Amend Section 2.0 [Definitions], definition of "Essential Service" by replacing the word "overhand" with the word "overhead", so that the amended definition reads as follows:

Essential Services Services provided by a public service corporation or by governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

- 2) Amend Section 4.1.3.4 "Senior Residential Development" by replacing the referenced section number "8.5" with the section number "8.4".
- 3) Amend Section 4.1.3.5 "Residential Retirement Community" by replacing the referenced section number "8.6" with the section number "8.5".
- 4) Amend Section 4.1.5.26 "General Services Establishment" by replacing the letter "Y" in the "SRD" column with the letter "N".
- 5) Amend Section 4.1.5.27 "Campground, wildlife preserve, fishing grounds operated not for profit" by replacing the letter "N" in the "SRD" column with the letter "Y".
- 6) Amend Section 6.2.8.2 [Sign Height Requirements] by replacing the referenced section number "5.2" with the section number "5.4".
- 7) Amend Section 6.2.14 [Special Permit] by deleting the word "permitted" before the words "number of signs".

Witness my hand and seal of the Town of Westwood this 27th of December, 2013.

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 17 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 17. The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator to adopt the following amendments to the General Bylaws:

Chapter 80, OFFICERS AND EMPLOYEES ARTICLE 1., General Provisions: § 80-9, Quarterly report by appointed boards, by deleting said section in its entirety and replacing it with the following:

“§80-9. Minutes

In Accordance with MGL ch.30A, §22c, Town Boards and Committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall within 10 days, be posted on the town's website and filed with the Town Clerk.”

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 18 of the Warrant for the Fall Town Meeting held on November 18, 2013.

Fall Town Meeting, Article 18. The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator to delete Town Bylaw 339-3(C) in its entirety and replacing it with the following:

"The Police Department shall determine whether the applicant is suitable after completing fingerprint-based criminal record background checks and communicate their determination of suitability to the licensing authority within the Town."

Witness my hand and seal of the Town of Westwood this 27th day of December, 2013.

Attest:

Dorothy A. Powers



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk