



2014

**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: July 28, 2014**

**NORFOLK, SS.**

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

**GREETING:**

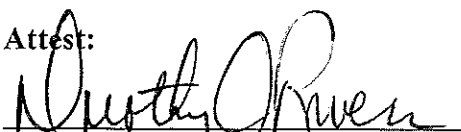
In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

These amendments were voted under Articles 17,18,19,20,21,22,23,24,26, & 28 of the Warrant for the 2014 Annual Town Meeting, which meeting was held on May 5, 2014.

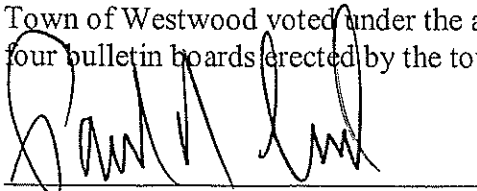
Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood,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

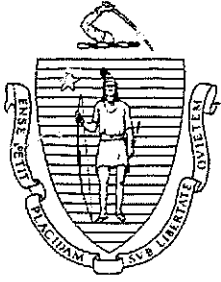
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

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 2014 Annual Town Meeting on four bulletin boards erected by the town in public places in each of the four precincts of the Town.

  
\_\_\_\_\_  
Constable



MARTHA COAKLEY  
ATTORNEY GENERAL

# THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

July 20, 2014

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

Re: Westwood Annual Town Meeting of May 5, 2014 - Case # 7174  
Warrant Articles # 17, 18, 19, 20, 21, 22, 23, 24, and 26 (Zoning)  
Warrant Articles # 15, 27, and 28 (General)

Dear Ms. Powers:

Articles 17, 18, 19, 20, 21, 22, 23, 24, 26, and 28 - We approve these Articles, and the map pertaining to Article 24, from the May 5, 2014, Westwood Annual Town Meeting. Our comments on Articles 19 and 26 are provided below.

Articles 15, and 27 - We have retained Articles 15 and 27 for further review and will issue our decision on them on or before our deadline of August 25, 2014.

Article 19 - Article 19 amends the Town's zoning bylaws to add a new Section 7.4 which allows for Registered Marijuana Dispensaries in one district upon the grant of a special permit from the Zoning Board of Appeals.

Section 7.4 contains the following text regarding the standards for the evaluation of the special permit:

7.4.6 Findings. No RMD Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

However, this text in Section 7.4.6 is supplemented by the existing special permit standards contained in Section 10.3.3 of the zoning by-law:

**10.3.3. Decision.** Special permits shall be granted by the Special Permit Granting Authority, 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:

- 10.3.3.1 Social, economic or community needs which are served by the proposal;
- 10.3.3.2 Traffic flow and safety, including parking and loading;
- 10.3.3.3 Adequacy of utilities and other public services;
- 10.3.3.4 Neighborhood character, aesthetics and social structures;
- 10.3.3.5 Impacts on the natural environment; and
- 10.3.3.6 Potential fiscal impact, including impact on Town services, tax base and employment.

The Board should carefully apply the provisions of Section 7.4.6 together with Section 10.3.3 so that it complies with the requirement in G.L. c. 40A, § 15 that the Board make “a detailed record of its proceedings” setting forth “clearly the reason for its decision and its official actions.” *See Wendy’s Old Fashioned Hamburgers of New York, Inc. v. Board of Appeal of Billerica*, 454 Mass. 374, 386-87 (2009) (board’s denial of special permit because not in “best interest” of the Town was “unreasonable, whimsical, capricious or arbitrary” and thus invalid). We strongly suggest that the Board consult with Town Counsel during the course of its review of special permit applications under Section 7.4 to ensure that the Board’s decision complies with G.L. c. 40A, § 15.

**Article 26** - Article 26 makes a number of changes to Section 6.2, the Town’s sign by-law. One change deletes Section 6.2.7 and inserts a new Section 6.2.7, which includes a prohibition on billboards in Section 6.2.7.1.

The Town must apply its prohibition on billboards in a manner consistent with G.L. c. 93, §§ 29-33 and the regulations promulgated by the Office of Outdoor Advertising at 700 C.M.R. 3.00 *et seq.*

The power to regulate billboards was granted to the Outdoor Advertising Board pursuant to G.L. c. 93, §§ 29-33. The Board’s powers are exercised by the Office of Outdoor Advertising within the Massachusetts Department of Transportation. *See* Chapter 25 of the Acts of 2009. General Laws Chapter 93, Section 29, authorizes the State to “make, amend or repeal rules and regulations for the proper control and restriction of billboards, signs and other advertising devices . . . on public ways or on private property within public view of any highway, public park or reservation.” In addition, Section 29 authorizes the Office of Outdoor Advertising to license billboards through the issuance of permits; however, the Office shall not issue a permit unless it gives thirty days written notice of an application to the city or town in which the proposed billboard, sign or other advertising device is to be located.

General Laws Chapter 93, Section 29, also grants to cities and towns the power to regulate billboards, as follows (emphasis supplied):

Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law, *not inconsistent with sections twenty-nine to thirty-three, inclusive, or with said rules and regulations.*

It is not inconsistent with the provisions of G.L. c. 93, §§ 29-33, or the rules and regulations of the Office of Outdoor Advertising, for a town to regulate billboards in the town, even to the extent of a complete ban on billboards such as the Town of Westwood has adopted. *See John Donnelly & Sons, Inc. v. Outdoor Advertising Board*, 369 Mass. 206, 215 (1975) (town by-law which had effect of prohibiting off-premises signs, was consistent with G.L. c. 93, §§ 29-33, which explicitly provides for local regulation of billboards). Therefore, the Town does have the power to prohibit billboards. However, the prohibition on billboards and other off-premise signs must be applied in a manner consistent with G.L. c. 93, §§ 29-33, and the rules and regulations of the Office of Outdoor Advertising. We strongly suggest that the Town consult with Town Counsel before applying the by-law's billboard prohibition.

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

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel Thomas P. McCusker



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 17 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 17.* A motion was made in writing by the Planning Board to amend Article 17 by replacing Section 9.5.9 with a new Section 9.5.9. Handouts were distributed to Town Meeting reflecting the amendment. The Town voted by a Majority vote in favor to amend Article 17. The Finance and Warrant Commission recommended and the town voted by a 2/3 vote in favor on the original article with the approved amendment, in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)], including the establishment of one or more additional FMUOD districts, and to approve certain amendments to Section 4.1.5 [Table of Principal Uses - Commercial Uses] and Section 4.2 [Notes for Table of Principal Uses], or take any other action in relation thereto:

1) Replace the existing Section 9.5.2 with a new Section 9.5.2 to read as follows:

9.5.2 **Location.** Seven distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, and FMUOD 7 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.

9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.

9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.

9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.

9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.

9.5.2.6 **FMUOD 6: Washington Street Business District.** FMUOD 6 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 6,

including properties along Washington Street within the Local Business B District, between Fairview Street and Everett Street.

9.5.2.7 **FMUOD 7: High Street Business District.** FMUOD 7 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 7, including properties along High Street within the Local Business A District, between Windsor Road and High Rock Street.

2) Replace the existing Section 9.5.7 with a new Section 9.5.7 to read as follows:

9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, or FMUOD 7, whether held in common or separate ownership.

3) Replace the existing Section 9.5.8 with a new Section 9.5.8 to read as follows:

9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.

9.5.8.1 **Uses Permitted by FMUOD Special Permit in any FMUOD:**

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Ice cream shop;
- 9.5.8.1.8 Municipal use;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.14 Retail sales and services establishment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Shuttle service system.

9.5.8.2 **Additional Uses Permitted by FMUOD Special Permit in FMUOD1:**

- 9.5.8.2.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Research and development facility;
- 9.5.8.2.7 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.8 Retail sales and services establishment, 10,000 sq. ft. or more.

9.5.8.3 **Additional Uses Permitted by FMUOD Special Permit in FMUOD2:**

- 9.5.8.3.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.3.2 Hotel.
- 9.5.8.3.3 Research and development facility;

**9.5.8.4 Additional Uses Permitted by FMUOD Special Permit in FMUOD3:**

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;;
- 9.5.8.4.3 Multi-family dwelling.
- 9.5.8.4.4 Research and development facility;

**9.5.8.5 Additional Uses Permitted by FMUOD Special Permit in FMUOD4:**

- 9.5.8.5.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.5.2 Research and development facility;

**9.5.8.6 Additional Uses Permitted by FMUOD Special Permit in FMUOD5:**

- 9.5.8.6.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.6.2 Research and development facility;

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

4) Replace the existing Section 9.5.9 with a new Section 9.5.9 to read as follows:

**9.5.9 Alternative Dimensions.** The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirements, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>	<u>FMUOD 6</u>	<u>FMUOD 7</u>
9.5.9.1	Minimum Project Area	10 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>1</sup>	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 <sup>2</sup>	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2	100 feet	20 feet	50 feet	50 feet	50 feet	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

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

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

5) Replace the existing Section 9.5.11.2 with a new Section 9.5.11.2 to read as follows:

**9.5.11.2 Development Identification Sign.** Where appropriate, a project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2)



faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height, or such lesser amount as determined by the Planning Board to be appropriate for a particular application. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

- 6) Replace the existing Section 9.5.11.5 with a new Section 9.5.11.5 to read as follows:

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

- 7) Delete Sections 9.5.11.8, 9.5.11.9 and 9.5.11.10 in their entirety.

- 8) Replace existing Section 9.5.13 with a new Section 9.5.15.13 to read as follows:

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than fifty percent (50%) of the total gross floor area of any project authorized under a FMUOD Special Permit. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said residential units will have no negative fiscal impact on the town. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed fifty percent (50%) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use.

- 9) Replace existing Section 9.5.15.2.1.2 with a new Section 9.5.15.2.1.2 to read as follows:

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing. Where the nature of the following design features is considered by the Planning Board to be significant to the preservation or enhancement of the desirable visual quality and property values of a particular area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements.

- 10) Replace existing Sections 4.1.5.6 and 4.1.5.7 with a new Sections 4.1.5.6 and 4.1.5.7 to read as follows:

	SRA	SR B	SR C	SR D	SR E	GR	SR	LB A	LB B	HB	I	IO	ARO
4.1.5.6 Retail sales and services, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y <sup>5</sup>	Y	Y	N
4.1.5.7 Retail sales and services, 10,000 square feet or more	N	N	N	N	N	N	N	N	N <sup>4</sup>	Y <sup>5</sup>	BA <sup>3</sup>	BA <sup>3</sup>	N

11) Replace Note 4 under Section 4.2 with a new Note 4 to read as follows:

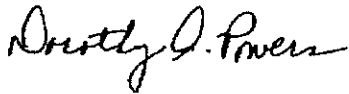
<sup>4</sup> Except for a retail grocery store which may exceed 10,000 square feet.

12) Change the designation of the parcels known as Assessor's Plat 23, Lots 163 and 188 from General Residential (GR) District to Local Business B (LBB) District, and change the designation of the parcel known as Assessor's Plat 23, Lot 215 from Industrial-Office (IO) District to Local Business B (LBB) District, or take any other action in relation thereto.

13) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, May 5, 2014".

**Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014**

**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 18 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

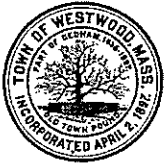
*Annual Town Meeting, Article 18.* The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator, to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.6 [Mixed Use Overlay Districts (MUOD)], including the deletion of Section 9.6 in its entirety, and the deletion of all references to Section 9.6 or to any MUOD districts, within the Zoning Bylaw and/or the Official Zoning Map.

Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014

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, CM&CMC*

Town Clerk  
Justice of the Peace  
Notary Public

*To Whom It May Concern:*

*I hereby certify the following action taken under Article 19 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

**Annual Town Meeting, Article 19.** 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 related to Medicinal Marijuana Use, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.2 [Notes for Table of Principal Uses], and Section 4.6 [Interim Regulations for Medicinal Marijuana Use]:

- 1) Delete Section 2.0 definitions for “Medical Marijuana Dispensary” and “Other Marijuana Facility” and add new Section 2.0 definitions as follows:

Registered Marijuana Dispensary (RMD) A non-profit entity, lawfully permitted and licensed pursuant to 105 CMR 725 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, and/or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A Registered Marijuana Dispensary (RMD) may sell only marijuana, marijuana-infused products (MIPs) and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.

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 Registered Marijuana Dispensary.

- 2) Amend Section 4.1.5.37 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.37 Registered Marijuana Dispensary per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA

- 3) Add new Section 7.4 to read as follows:

**SECTION 7.4 REGISTERED MARIJUANA DISPENSARIES (RMD)**

**7.4.1 Purpose.** The purpose of this Section is to assure that Registered Marijuana Dispensaries (RMDs) are carefully designed, located and operated in accordance with applicable state and local laws, rules and regulations, and to assure that adequate provisions are made for impacts of such facilities upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof.

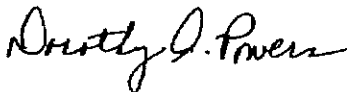
**7.4.2 Special Permit Required.** No RMD shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4.

- 7.4.2 **Application Requirements.** An application for a special permit for a RMD shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Board of Appeals.
- 7.4.3 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.4 **Referral of Application to Police Chief.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Police Chief, whereupon said Police Chief may, at his or her discretion, review the proposed RMD project and report in writing recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Police Chief, or until said Police Chief has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.5 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report. Said Planning Board report indicate the status of the proposed RMD's Environmental Impact and Design Review (EIDR) application which is required pursuant to Section 7.3 of this Bylaw. If the Board of Appeals shall vote to grant a RMD Special Permit prior to the Planning Board's issuance of an EIDR Approval for the RMD project, the Board of Appeals decision shall be conditional upon the granting of such EIDR Approval by the Planning Board and subject to any conditions thereof.
- 7.4.6 **Findings.** No RMD Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

4) Remove Section 4.6 in its entirety.

**Witness my hand and seal of the Town of Westwood this 28 day of July, 2014**

**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 20 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 20.* 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 related to restaurants, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.2 [Notes for Table of Principal Uses]:

- 1) Amend Section 2.0 definition for "Restaurant" to read as follows:

Restaurant An establishment where the primary activity is the preparation, service and sale of meals for consumption on the premises while seated either inside a completely enclosed building, or in a designated outdoor seating area adjacent to the building in cases where such outdoor seating area has been allowed by a special permit issued by the Planning Board. The term "restaurant" shall not include "fast order food establishment", "coffee shop" or "ice cream parlor" as herein separately defined.

- 2) Amend Sections 4.1.5.11, 4.1.5.12, and 4.1.5.13 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	N
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	PB <sup>6</sup>	PB <sup>6</sup>	Y <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	N
4.1.5.13 Restaurant with entertainment	N	N	N	N	N	N	N	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	N	N	N

- 3) Amend Note 6 under Section 4.2 to read as follows:

<sup>6</sup> Outdoor seating associated with a Restaurant permitted under this section, with or without entertainment, shall require a special permit issued by the Planning Board pursuant to Section 10.3.

**Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014**

**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 21 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 21.* 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 related to Section 2.0 [Definitions], to add, delete, or amend various definitions:

- 1) Replace definitions for "Lot, Corner" and "Height, Building" to read as follows:

Lot, Corner A lot on a corner fronting on two (2) intersecting streets. In the case of a corner lot, one lot line shall be designated as the front lot line by the Building Commissioner, following a review of relevant criteria including street address and orientation of existing structures, and the opposite lot line shall be designated a rear lot line, for setback and yard requirements.

Height, Building Measured at the vertical distance from the average natural ground elevation adjoining the building at all exterior walls (grade plane) to the average height of the highest roof surface, except that in residential districts, height is measured from the highest finished ground elevation adjoining the building at all exterior walls. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are used in no way for human occupancy.

- 2) Add a new definitions to Section 2.0 to read as follows, and re-alphabetize definitions as appropriate:

Entertainment Any form of amusement, distraction or similar activity intended to entertain the customers or clientele of a business, including any live or audio-visual presentation regardless of duration.

Establishment Any private or public entity, for-profit or non-profit organization, institution, proprietorship, or partnership regularly engaged in a particular activity.

**Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014**

**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 22 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 22.* 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 related to Section 4.5 [Non-conforming Uses and Structures]:

1) Replace Section 4.5.8 with a new Section 4.5.8 to read as follows:

**4.5.8 Single and Two-Family Reconstruction after Catastrophe or Voluntary Demolition.** Any single and two-family nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions:

4.5.8.1 Reconstruction of said premises shall commence within one (1) year after such voluntary demolition, or within two (2) years after such catastrophe, which time period may be extended by the Building Commissioner for good cause.

4.5.8.2 The building as reconstructed shall:

4.5.8.2.1 be located on the same footprint as the original structure, and shall only be as great in volume or area as the original nonconforming structure; or

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of twenty-five (25) feet if constructed on a lot that does not comply with current lot area and lot frontage requirements.

4.5.8.3 In the event that the proposed reconstruction does not meet the provisions of Sections 4.5.8.1 and 4.5.8.2, a special permit shall be required from the Board of Appeals for such demolition and reconstruction.

**Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014**

**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 23 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 23.* 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 related to Section 5.0 [Dimensional Requirements], including amendments to the Table of Dimensional Requirements:

- 1) Replace existing Section 5.2 with a new Section 5.2 to read as follows:

**5.2 TABLE OF DIMENSIONAL REQUIREMENTS<sup>1</sup>**

DISTRICT	DIMENSIONAL REQUIREMENTS								
	Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area <sup>2</sup> (sq ft)	Minimum Front Setback <sup>3</sup> (feet)	Minimum Side Yard Setback <sup>4</sup> (feet)	Minimum Rear Yard Setback <sup>4</sup> (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
SRA	12,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
SRB <sup>13</sup>	20,000	90	90	15,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
SRC <sup>13</sup>	40,000	125	125	30,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
SRD	15,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
SRE <sup>13</sup>	80,000	175	175	60,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
GR	12,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
SR	80,000	175	175	60,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
LBA	4,000	40	40	4,000	10	15 <sup>9</sup>	15	25	80
LBB	4,000	40	40	4,000	0	15 <sup>9</sup>	15	25	80
HB	10,000	100	100	10,000	50	15	15	50	80
I	40,000	200	200	12,000	50	15 <sup>10</sup>	15 <sup>11</sup>	50	80
IO	40,000	200	200	12,000	50	15 <sup>10</sup>	15 <sup>11</sup>	50	80
ARO	80,000	175	175	60,000	50	30 <sup>12</sup>	30	30	50

Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014

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 24 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 24.* 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:

- 1) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, May 5, 2014".

Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014

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 26 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

*Annual Town Meeting, Article 26.* 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 related to Section 6.2 [Signs]:

1) Amend Section 6.2.2.10 by deleting the second sentence so that Section 6.2.2.10 reads as follows:

6.2.2.10 Flag A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

2) Add a new Section 6.2.4 to read as follows, and renumber subsequent sections as appropriate:

6.2.4 **Municipal Signs.** Notwithstanding any provisions to the contrary in Section 6.2 or elsewhere in this Bylaw, municipal signs of any type, number, size, and material are permitted in all districts as authorized by the Town Administrator.

3) Delete the words “, except municipal signs” from Section 6.2.4.2, so that Section 6.2.4.2 reads as follows:

6.2.4.2 The maximum area of each sign shall not exceed one (1) square foot.

4) Amend Section 6.2.4.4, 6.2.5.5 and 6.2.6.5 to read as follows:

6.2.4.4 Notwithstanding the above limitations on number and total area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.5.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.6.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

5) Replace existing Section 6.2.7 with a new Section 6.2.7, which includes amendments to subsections 6.2.7.2 and added 6.2.7.6, so that the new Section 6.2.7 reads as follows:

6.2.7 **Prohibited Signs.** The following signs shall be prohibited in all districts except as specified herein:

- 6.2.7.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs.
- 6.2.7.2 Flags, buntings, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of national holidays shall be permitted, and properly displayed official flags of governmental jurisdictions and decorative flags on residences shall be permitted.
- 6.2.7.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- 6.2.7.4 Signs, other than traffic, regulatory or directional signs, which use the words "stop", "caution", or "danger", or incorporate red, amber or green lights resembling traffic signals, or resemble universal "stop" or "yield" signs in shape and color.
- 6.2.7.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.
- 6.2.7.6 Notwithstanding the above provisions, municipal signs of all types shall be permitted in all districts as authorized by the Town Administrator.

Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014

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 28 of the Warrant for the Annual Town Meeting held on May 5, 2014:*

**Annual Town Meeting, Article 28.** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator, to adopt the following amendments to the General Bylaws: Chapter 138, Town Meetings Article 1; Call and Notice of Town Meetings, Annual Town Meeting §138-2; and Chapter 80, Officers and Employees, §80-9. Minutes: by deleting said sections in their entirety and replacing it with a new section §138-2 and §80-9 as follows:

#### Chapter 138. TOWN MEETINGS

##### Article I. Call and Notice of Town Meetings

##### § 138-2. Annual Town Meeting.

##### **[Amended 5-6-2013 ATM by Art. 18]**

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 on the second Monday in November unless said day shall fall on a state holiday in which case the meeting shall be held on the next business day, 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 10 petitioned articles have been submitted for inclusion on the warrant of said Fall Annual Town Meeting, as set forth in the Charter, Section 2-6-1. Business sessions shall be called for 7:30 p.m.

#### Chapter 80, OFFICERS AND EMPLOYEES ARTICLE 1.

##### §80-9. Minutes

In accordance with MGL Ch. 30A, §22, 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: minutes of all open sessions, whether approved or in draft form, will be made available upon request by any person within 10 days.

**Witness my hand and seal of the Town of Westwood this 28<sup>th</sup> day of July, 2014**

**Attest:**

*Dorothy A. Powers*

Dorothy A. Powers, CMC, CMMC

Westwood Town Clerk