



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: February 19, 2015

NORFOLK, SS.

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

GREETING:

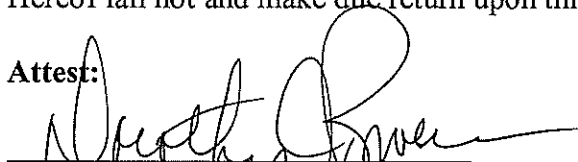
In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

These amendments were voted under Articles 7,11,12,13,14,15,16,17 & 18 of the Warrant for the 2014 Fall Special Town Meeting, which meeting was held on November 17, 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.

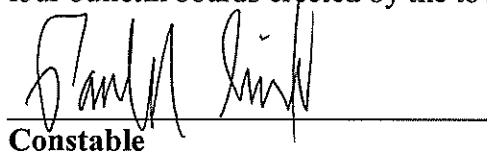
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:

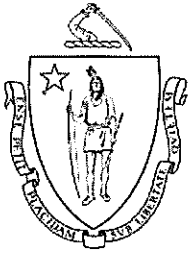


Dorothy A. Powers, CMC, CMMC
Town Clerk

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 2015 Fall Special Town Meeting 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

2015 FEB 17 P 5: 27

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 17, 2015

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

RE: Westwood Special Town Meeting of November 17, 2014 - Case # 7455
Warrant Articles # 11, 12, 13, 14, 15 and 16 (Zoning)
Warrant Article # 7, 17 and 18 (General)

Dear Ms. Powers:

Articles 7 and 18 – We take no action on Articles 7 and 18 because they are votes to accept the provisions of local option statutes. Such votes do not require review and approval by the Attorney General.

Article 14 – We retain Article 14 (Street Access Special Permit) for further review and will issue our decision by our deadline of March 9, 2015.

Articles 11, 12, 13, 15, 16, and 17 – We approve these Articles from the November 17, 2014 Westwood Special Town Meeting. Our comments on Article 13 are detailed below.

Article 13 – Article 13 amends Section 7.3 of the Town’s Zoning Bylaw, “Environmental Impact and Design Review.” In part the amendments make the EIDR by-law applicable to the “construction, installation or alteration of a Minor Wireless Communication Facility pursuant Section 9.4 of [the zoning] bylaw.”

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 requires that “[A] state or local government *may not deny, and shall approve*, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot

be subject to a discretionary special permit. The Town must apply the EIDR by-law consistent with these requirements.

Article 13 also amends Section 7.3.3, "Exempt Uses" to clarify the application of the EIDR by-law to protected uses under G.L. c. 40A, Section 3, as follows (emphasis supplied):

In cases where M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions for uses protected thereunder, review and approval pursuant to this Section shall be limited consistent with those statutory provisions and on other matters shall be advisory only. For all uses exempt under M.G.L. Chapter 40A, Section 3, the Planning Board shall make determinations of compliance with dimensional and parking requirements of this Bylaw, including requirements related to setbacks, building height, building coverage, **impervious surface**, parking and circulation, buffers, **screening, landscaping, lighting, and stormwater management**.

This text must be applied consistent with the protections given to agricultural, religious, educational, child care, and solar energy systems under G.L. c. 40A, § 3.

First, G.L. c. 40A, § 3 requires 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. We urge the Town to consult closely with Town Counsel when applying the new text in the EIDR by-law to agricultural uses to ensure that the Town complies with G.L. c. 40A, § 3.

Second, for religious, educational, and child care uses, G.L. c. 40A, § 3 allows the Town to impose only reasonable regulations in eight areas: the bulk and height of structures, yard size, lot area, setbacks, open space, parking and building coverage requirements. Nothing in G.L. c. 40A, § 3 allows the Town to impose requirements regarding impervious surface, screening, landscaping, lighting, and stormwater management on religious, educational, and child care uses. Because the text in underline and bold above conflicts with the G.L. c. 40A, § 3 protections for religious, educational, and child care uses, the Town cannot apply this text to such uses. We urge the Town to consult closely with Town Counsel when applying the new text in the EIDR by-law to religious, educational, and child care uses to ensure that the Town complies with G.L. c. 40A, § 3.¹

¹ During the course of our review we received correspondence from a Town resident urging us to disapprove the amendment to Section 7.3.3 on the basis that the EIDR is in reality special permit review process, and thus violates G.L. c. 40A, § 3. We appreciate this correspondence and it has aided us in our review. However, we are unable to conclude that the EIDR is in reality a special permit requirement, and cannot disapprove the text under the Attorney General's standard of review of by-laws under G.L. c. 40, § 32.

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 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 approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

MAURA HEALEY
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, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 7 of the Warrant for the Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 7. The Finance and Warrant Commission recommended and the Town voted by majority vote in favor declared by the Moderator to accept M.G.L. Chapter 64L, Section 2(a) to impose a local meals excise. Further, that all collections of this revenue be reserved for appropriation in an account for future transfer by Town Meeting vote.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

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 Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 18. The Finance and Warrant Commission recommended and the Town voted by Majority vote in favor declared by the Moderator to accept M.G.L. Chapter 138, Section 15F – Special License for sale of wine produced by farmer-winery for off-premise consumption at indoor or outdoor agricultural event.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

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.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 Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 14. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.0 [Special Regulations], including the addition of a new Section 7.5 [Non-Residential Access Special Permit]:

- 1) Insert a new Section 7.5 to read as follows:

SECTION 7.5 STREET ACCESSES SPECIAL PERMIT

- 7.5.1 Purpose.** The purpose of this Section is to protect the integrity and character of the Town and its existing neighborhoods by requiring sufficient and appropriate access to properties which can be expected to generate moderate or high levels vehicular traffic, including non-residential, multi-family residential, and/or mixed use properties, and to assure that where access to such properties is permitted by way of existing streets, adequate provisions are made to effectively address impacts upon the Town and its existing neighborhoods, and upon public services, infrastructure and property values therein, thereby affecting the public health, safety and general welfare thereof.
- 7.5.2 Special Permit Required.** No principal or secondary ingress and/or egress shall be constructed or established to serve a non-residential, multi-family residential, and/or mixed use development, unless a Street Access Special Permit therefor is granted by the Planning Board in accordance with Section 7.5. This requirement shall apply whether or not said property is located wholly or partially within the Town of Westwood. Notwithstanding the above, no Street Access Special Permit shall be required for any development which is subject to and approved by the Planning Board pursuant to Section 7.3 [Environmental Impact and Design Review], Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] or Section 9.7 [The University Avenue Mixed Use District (UAMUD)] of this Bylaw.
- 7.5.3 Application Requirements.** An application for a Street Access Special Permit shall be accompanied by a site plan and all applicable materials required by the Planning Board's Rules and Regulations as Special Granting Authority, as well as the following additional materials:
- 7.5.3.1 Project Narrative.** A detailed description of all proposed on-site uses and activities, including hours of operation of all non-residential project components.
 - 7.5.3.2 Traffic Study.** A traffic study prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board.
 - 7.5.3.3 Project Impact Report.** A detailed analysis of anticipated project-related impacts, including fiscal and public service impacts, and impacts to public infrastructure, including a description of any proposed public improvements which are proposed to be undertaken by the Applicant.

- 7.5.4 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of an application for a Street Access Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 7.5.5 **Findings.** No Street Access Special Permit shall be granted unless the Planning Board finds that the adverse impacts of operations conducted under such special permit, subject to the conditions imposed thereby, will not outweigh its beneficial impacts on the Town or the neighborhood. In making such finding, the Planning Board shall consider whether or not the proposed development will:
- 7.5.5.1 Cause material deterioration of roadway, drainage, water, sewer, and/or other public infrastructure;
 - 7.5.5.2 Result in hazard or contamination of air, land and/or water resources;
 - 7.5.5.3 Result in environmental degradation, including loss of mature trees and significant vegetation, disturbance to habitats, and/or the loss of soil through erosion;
 - 7.5.5.4 Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land; or
 - 7.5.5.5 Increase vehicle trips on ways giving access to the subject land by more than five percent (5%) above existing conditions, unless it is demonstrated to the satisfaction of the Planning Board that:
 - a. Such increase would not cause vehicular traffic to operate in an objectively unsafe manner, or cause queue lengths that block intersections; and
 - b. Such increase for any intersection that operates at LOS D or better would not result in a reduction of overall intersection level of service below LOS D.
- 7.5.6 **Decision.** A Street Access Special Permit shall be granted by the Planning Board only upon its written determination of the required findings set forth in Section 7.5.5. In addition, the Planning Board shall consider and may condition a special permit upon:
- 7.5.6.1 The extent of visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees and architectural character;
 - 7.5.6.2 The suitability of existing and proposed buffering and screening from nearby properties;
 - 7.5.6.3 The proposed hours of operation of any non-residential or mixed-use activity; and
 - 7.5.6.4 The timing and method of control of traffic entering and leaving the site.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Pending approval from the Attorney General*



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 11 of the Warrant for the Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 11. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 9.7.10 [University Avenue Mixed Use District (UAMUD) Signage]:

1) Amend Section 9.7.10 [Signage] to read as follows:

9.7.10 Signage. The alternative sign requirements set forth in this Section 9.7.10 shall be used for a UAMUD project rather than the signage requirements applicable to the underlying district as provided elsewhere in this Bylaw.

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

9.7.10.1.1 Awning Sign. A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.

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

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

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

9.7.10.1.5 Facade. The exterior surface of a building wall facing a street, internal drive, or pedestrian and/or vehicular access way, which wall

corresponds to the height and width of the interior space owned or leased by the occupant of the building.

- 9.7.10.1.6 **Projecting Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations which is attached to or suspended from a building or structure such that any part of said sign extends more than eight (8) inches from the wall surface of that building or structure.
- 9.7.10.1.7 **Special Event.** A charitable, nonprofit or civic event, which event may include an open house, registration or similar event associated with a charitable, nonprofit or civic organization.
- 9.7.10.1.8 **Temporary Construction Sign.** A sign at a specific development site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information. For purposes of this definition, individual developments within the master development plan project site may be considered specific development sites, even if such developments consist of more than one individual business establishment, but the entire master development plan project site shall not be considered a specific development site.
- 9.7.10.1.9 **Wall Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than eight (8) inches from the wall surface of that building or structure.
- 9.7.10.1.10 **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. "Retail Center Parking", "Shuttle Bus Stop Ahead", "Exit to Providence Highway", "Additional Parking in Rear" are examples of way finding signs.
- 9.7.10.1.11 **Window Sign.** A sign consisting of letters, numbers, symbols, logos, emblems and/or graphic representations painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or designed to be visible from the exterior of a building or structure and located within five (5) feet of the interior side of such glass surface.
- 9.7.10.1.12 **Window Screening Display.** Graphic or display which is intended to reduce visual access to the interior of an establishment.
- 9.7.10.2 **Development Identification Sign.** A UAMUD project shall be allowed to install and maintain development identification signs in the vicinity of each substantial gateway(s) or entrance(s) to the project from neighboring streets, which signs may be installed at on-site and/or off-site locations. 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

occupants within the development. Development identification signs may have two (2) faces, each of which shall not exceed two hundred (200) square feet of copy area, excluding frame and borders. Development identification signs shall not exceed twenty-five (25) feet in height. Development identification signs shall include appropriate materials and landscaping to ensure an attractive entrance(s) to the development.

- 9.7.10.3 **Wall or Awning Signs.** Any combination of Wall Signs and Awning Signs shall be permitted such that the aggregate of all such Wall Signs and Awning Signs associated with each individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one facade. Awning Signs shall have at least eight (8) feet clearance above the pedestrian grade.
- 9.7.10.4 **Projecting Signs.** One Projecting Sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed sixteen (16) square feet in area. Projecting Signs must have at least eight (8) feet of clearance above the pedestrian grade, and shall not project more than six (6) feet from a building facade.
- 9.7.10.5 **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window Signs associated with an individual business establishment shall not exceed twenty percent (20%) of the total surface area of all windows associated with such establishment.
- 9.7.10.6 **Window Screening Displays.** Window Screening Displays shall be permitted for windows and glass doors on the rear and side walls of the buildings shown as Building N, Building O, and Building Q on a plan entitled "Street Address Plan", dated 8/01/14, prepared for Westwood Marketplace Holdings, LLC, a copy of which is on file with the Planning Board, but only where such Window Screening Displays do not constitute Window Signs as defined in Section 9.7.10.1.11. Window Screening Displays may be permitted for windows and glass doors on other walls of buildings within the Core Development Area, but only where the Planning Board finds that such graphics or displays are necessary and appropriate, and only where such graphics or displays do not constitute Window Signs as defined in Section 9.7.10.1.11. In all cases, Window Screening Displays shall be visually distinguishable in appearance from graphics or displays painted on, incorporated into, or affixed to either side of the glass surface of a window or door and shall not be painted on, incorporated into, nor affixed to either side of the glass surface of a window or door, nor located within one (1) inch of such glass surface.
- 9.7.10.7 **Directional Signs.** Directional Signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional Signs shall not exceed four (4) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional Signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.
- 9.7.10.8 **Way Finding Signs.** Way Finding Signs shall be allowed throughout a development, and may be allowed both on site and at off-premises locations. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic and pedestrian 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 thirteen (13) feet above ground. All Way Finding Signs located throughout a development shall be consistent in material, color and lettering style. Way Finding Signs shall not contain individual business identification logos. Way Finding Signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

- 9.7.10.9 **Directory Sign.** One or more Directory Signs shall be permitted within the UAMUD project area. Directory Signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of eight (8) feet above ground.
- 9.7.10.10 **Temporary Construction Signs.** Temporary Construction Signs for both owners and occupants of lots within the approved Master Development Plan shall be permitted. Temporary Construction Signs shall not exceed thirty-two (32) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary Construction Signs shall be removed within thirty (30) days of the completion of construction.
- 9.7.10.11 **Temporary Construction Fence Screening Graphics.** Where a temporary construction fence is permitted to reduce public visual access to a construction site, screening graphics displayed on non-rigid material affixed to the exterior of such fence, and not exceeding the height of such fence, may be permitted upon the issuance of a temporary sign permit by the Building Commissioner. Such permit shall be valid for a period of six (6) months, and may be renewed at the discretion of the Building Commissioner for up to three (3) additional six (6) month terms. All screening graphics shall be maintained in good condition and shall be removed upon the final expiration of the temporary sign permit.
- 9.7.10.12 **Prohibited Signs.** Banners, flags, balloons, streamers, pennants, strings of lights, ribbons, spinners, roof signs, flashing signs, variable lit signs, variable message signs, except as permitted for Way Finding Signs in Section 9.7.10.8, and other similar devices, shall be prohibited in any UAMUD project. Temporary signs or graphics are prohibited except as provided in Sections 9.7.10.10 and 9.7.10.11, or in connection with customarily celebrated holidays or with Special Events as defined in Section 9.7.10.7. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such sign meets all other provisions of this Section 9.7.10.
- 9.7.10.13 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view.
- 9.7.10.14 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases indirect illumination shall only be permitted by steady white light. Notwithstanding the above, Awning Signs shall not be internally illuminated.

9.7.10.15 **Project-Specific Signage Alternative.** In recognition of the interrelated nature of signage systems in complex, mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, notwithstanding the provisions of Sections 9.7.10.1 through 9.7.10.15 of this Bylaw, the Planning Board may, as part of its Conformance Determination for the CDA or PDR Approval for all other areas and phases of the UAMUD project, approve an alternative signage package or alternative signs for the UAMUD project, provided that the Planning Board finds that the alternative adequately addresses the needs of the development and traffic safety while appropriately balancing any impacts on the surrounding environment.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

Attest:

A handwritten signature in cursive script that reads "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 12 of the Warrant for the Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 12. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] and to Section 4.1 [Principal Uses], including amendments related to various motor vehicle uses:

- 1) Replace the existing definition for the term "Motor Vehicle Light Service" with a new definition to read as follows:

Motor Vehicle Light Service Premises for the supplying of fuel, oil, lubrication, or minor repair services, but not to include body work, washing, rinsing, polishing, waxing, painting, and/or major repairs.

- 2) Add a new definition for the term "Car Wash" to read as follows:

Car Wash An establishment where motor vehicles are washed, rinsed, polished and/or waxed, by mechanical or manual means, whether or not operated in conjunction with another motor vehicle use.

- 3) Add a new Sections 4.1.5.11 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Car Wash	N	N	N	N	N	N	N	N	N	BA	N	N	N

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

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, Esq. M.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 13 of the Warrant for the Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 13. The Finance and Warrant Commission recommended and the Town voted by a unanimous vote in favor declared by the Moderator to see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.3 [Environmental Impact and Design Review (EIDR)]:

1) Replace the existing Section 7.3.2 [Applicability] with a new Section 7.3.2 to read as follows:

7.3.2 Applicability. The following types of activities and uses shall require review and approval pursuant to the provisions of this Section, unless found to be de minimis by the Building Commissioner. Nothing herein shall be deemed to permit any use or structure not otherwise permitted as of right or by special permit under this Zoning Bylaw, or to give rise to an implication as to whether or not a particular use or structure is permitted as of right or by special permit under this Zoning Bylaw. The following shall require approval hereunder:

- 7.3.2.1 Construction, expansion, exterior alteration (exclusive of signs governed by the provisions of Section 6.2), or change of use of any municipal, institutional, commercial, industrial, or multi-family property.
- 7.3.2.2 Reconfiguration, restriping or expansion by three (3) or more parking spaces, of any parking area or facility containing five (5) or more parking spaces.
- 7.3.2.3 Any change in use which results in a use prohibited or requiring a special permit in a Water Resource Protection Overlay District, whether or not within such a district and whether or not requiring a building permit.
- 7.3.2.4 Construction of an Open Space Residential Development (OSRD) pursuant to Section 8.3 of this bylaw.
- 7.3.2.5 Construction, installation or alteration of a Minor Wireless Communication Facility pursuant to Section 9.4 of this bylaw.

2) Replace the existing Section 7.3.3 [Exempt Uses] with a new Section 7.3.3 to read as follows:

7.3.3 Exempt Uses. In cases where M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions for uses protected thereunder, review and approval pursuant to this Section shall be limited consistent with those statutory provisions and on other matters shall be advisory only. For all uses exempt under M.G.L. Chapter 40A, Section 3, the Planning Board shall make

determinations of compliance with dimensional and parking requirements of this Bylaw, including requirements related to setbacks, building height, building coverage, impervious surface, parking and circulation, buffers, screening, landscaping, lighting, and stormwater management. Application and review procedures for such uses shall be as provided herein, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board's regulatory determinations.

3) Replace the existing Section 7.3.5 [Procedures] with a new Section 7.3.5 to read as follows:

7.3.5 Procedures. An application for environmental impact and design review shall be accompanied by a site plan and other application materials in accordance with the requirements specified below and the Planning Board's rules and regulations. The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Commissioner and Applicant.

4) Add a new Section 7.3.6 [Administrative Review and Approval] to read as follows, and renumber subsequent sections as appropriate:

7.3.6 Administrative Review and Approval of Minor Alterations. An application for environmental impact and design review involving exterior alterations to buildings or sites, which alterations are determined by the Building Commissioner to be minor in nature, shall be reviewed and considered for approval by the Town Planner. Application and submittal items shall be the same as set forth in this Section and in the Planning Board's rules and regulations for Planning Board consideration, except in the number of paper copies required, which shall be reduced to a number determined by the Town Planner to be sufficient for review purposes. The Town Planner, within 21 days of receipt of a complete application, shall review the application and submittal items for conformance with the standards set forth in Section 7.3.7, and shall issue an Administrative Approval, an Administrative Approval with Conditions, or an Administrative Denial of said application. In the case of an Administrative Approval with Conditions or an Administrative Denial, the applicant may apply to the Planning Board for further consideration of the EIDR Application in the course of a duly noticed public hearing.

5) Amend Section 7.3.6 [Submittal Requirements] by adding a new Subsection 7.3.6.1.9 to read as follows:

7.3.6.1.9 Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

6) Delete Section 7.3.13 [Appeal] in its entirety and renumber subsequent sections as appropriate.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, Esq. & Esq.

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 Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 15. The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.1 [Off-Street Parking]:

1) Add a new Section 6.1.8 to read as follows, and renumber subsequent sections as appropriate:

6.1.8 Maximum Parking Requirements. The minimum parking requirements set forth in Section 6.1.2 shall not be exceeded by more than 5%, unless authorized upon the grant of a waiver by the Planning Board in compliance with the provisions of this Section.

6.1.8.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a waiver that would authorize an increased number of parking spaces than would otherwise be permitted by this Section where it can be demonstrated by such Applicant that the proposed use warrants a greater number of parking spaces than otherwise allowed.

6.1.8.2 A waiver to authorize an increased number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.8.2.1 That the particular use proposed warrants an increased number of parking spaces than would otherwise be permitted by this Section; and

6.1.8.2.2 That the issuance of a waiver would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw.

6.1.8.3 The waiver shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

2) Replace the existing Section 6.1.8 with a new Section 6.1.9 to read as follows, and renumber subsequent sections as appropriate:

6.1.9 Reduction of Required Minimum Number of Parking Spaces.

6.1.9.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of parking spaces than would otherwise be required by this

Section where it can be demonstrated by such Applicant that the proposed use does not warrant the number of parking spaces otherwise required.

6.1.9.2 A special permit granted pursuant to this Section shall provide for an increase in the number of parking spaces up to the minimum number otherwise required by this Section if there is a change in use or in the intensity or character of use that results in an increased parking need as determined by the Planning Board.

6.1.9.3 A special permit to authorize a reduced number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.9.3.1 That the particular use proposed does not warrant the minimum number of parking spaces otherwise required under this Section;

6.1.9.3.2 That the issuance of a special permit would reduce the environmental impact and enhance the aesthetic quality of the proposed project.

6.1.9.3.3 That the total floor area of the building or structure associated with the special permit is no greater than that which would be permitted absent the grant of a special permit pursuant to this Section.

6.1.9.3.4 That the number of parking spaces otherwise required pursuant to Section 6.1.2 could be accommodated on the subject parcel or on nearby parcels, if a change in use or in the intensity or character of use ever requires an increase of parking pursuant to Section 6.1.8.2, and that the continued availability of land for such additional parking is assured in a manner satisfactory to the Planning Board.

6.1.9.3.5 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw.

6.1.9.4 Nothing herein shall be deemed to authorize a special permit waiving strict adherence to parking design requirements or parking space, passageway or driveway dimensional requirements.

6.1.9.5 The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

3) Replace the existing Section 6.1.9 with a new Section 6.1.10 to read as follows, and renumber subsequent sections as appropriate:

6.1.10 Joint Off-Street Parking in Local and Highway Business Districts. Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within four hundred (400) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

4) Replace the existing Section 6.1.10 with a new Section 6.1.11 to read as follows, and renumber subsequent sections as appropriate :

6.1.11 Joint Off-Street Parking in Industrial and Industrial-Office Districts. Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within six

hundred (600) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

5) Add a new Section 6.1.12 to read as follows, and renumber subsequent sections as appropriate:

6.1.12 Reduction of Required Number of Joint Off-Street Parking Spaces. If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of joint parking spaces than would otherwise be required pursuant to Section 6.1.9 or Section 6.1.10 where it can be demonstrated by such Applicant:

6.1.12.1 That the demand for the shared joint off-street parking spaces differs significantly by time of day between the various uses; and

6.1.12.2 That a sufficient number of shared joint off-street parking spaces are available for each use during the time of day that parking is required for said use.

6) Replace the existing Section 6.1.11 with a new Section 6.1.13 to read as follows, and renumber subsequent sections as appropriate:

6.1.13 Off-Site Municipal Parking Lot. Where an existing property does not meet the minimum parking requirements for a permitted use, off-site municipally-owned parking spaces may be used to meet the minimum parking requirements, provided:

6.1.13.1 That such spaces are located within a Municipal Parking Lot, so dedicated by the Board of Selectmen;

6.1.13.2 That such spaces are within four hundred (400) feet walking distance of the building entrance to be served;

6.1.13.3 That such off-site parking shall not be used to accommodate increased parking requirements due to new construction and/or expansion of existing buildings or structures; and

6.1.13.2 That the Board of Selectmen or its designee documents to the Building Commissioner that there is in fact sufficient capacity in the Municipal Parking Lot to accommodate the excess parking required.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

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 16 of the Warrant for the Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 16. The Finance and Warrant Commission recommended and the Town voted unanimously 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) Correct erroneous reference to Section 9.6.10.2 in Section 9.5.10 so that Section 9.5.10 reads as follows:

9.5.10 Alternative Parking Arrangements. The alternative parking arrangements set forth in Sections 9.5.10.1 through 9.5.10.2 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

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

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

- 2) Correct Zoning Bylaw Table of Contents to appropriately reference section numbers, section titles, and page numbers.

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

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 Special Town Meeting held on November 17, 2014:

Special Town Meeting, Article 17. The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to amend Chapter 30, Section 15 of the Code of the Town of Westwood by striking "\$25,000" and replacing it with "as required by M.G.L."

Witness my hand and seal of the Town of Westwood this 17th day of February, 2015

Attest:

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk