



Norfolk ss:

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

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

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

on the last Tuesday in April, it being the twenty-eighth (28) day of said month, A.D. 2015, from 7 a.m. to 8 p.m. for the following purpose:

To bring their vote for the following persons to wit:

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

and you are hereby further directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and Town affairs to meet in the Westwood High School Auditorium, 200 Nahatan Street, in said Westwood, on Monday, May 4, 2015 at 7:30 in the evening, there and then to act on the following articles:

ARTICLE 1

To see if the Town will vote to appropriate by transfer from available funds the sum of Two Hundred Thousand Dollars (\$200,000) to supplement the following fiscal year 2015 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Reserve Account	\$200,000	Snow and Ice	\$98,491
		McKinney-Vento School Transportation Costs	\$101,509
Total	\$200,000	Total	\$200,000

(Board of Selectmen)

ARTICLE 2

To see if the Town will vote to appropriate by transfer from available funds the sum of Five Hundred Sixty-Seven Thousand Five Hundred Nine Dollars (\$567,509) to supplement the following fiscal year 2015 appropriations, or take any other action thereon:

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$131,000	Ambulance Services/Equipment	\$131,000
Overlay Surplus	\$35,000	Assessing Revaluation Services	\$35,000
Free Cash	\$401,509	Snow and Ice	\$276,509
		DPW Salary – Snow and Ice	\$125,000
Total	\$567,509	Total	\$567,509

(Board of Selectmen)

ARTICLE 3

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

Unpaid Bill	Amount	From Account

(Board of Selectmen)

ARTICLE 4

To see what sum(s) of money the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow for the operation of the municipal departments and public school system for the fiscal year July 1, 2015, through June 30, 2016, as set forth in Appendix D of the Finance and Warrant Commission's Report to the 2015 Annual Town Meeting, or take any other action thereon.

(Board of Selectmen)

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Sixty-Seven Thousand Dollars (\$767,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Wheelchair accessible van	Council on Aging	\$75,000	Free Cash
One ton pickup truck	DPW	\$55,000	Free Cash
Heavy duty dump truck	DPW	\$165,000	Free Cash
Asphalt hot box trailer	DPW	\$40,000	Free Cash
Municipal building maintenance	DPW	\$45,000	Free Cash
Ladder truck (3 rd of 5 lease/purchase payment)	Fire	\$151,050	Free Cash
Shift command vehicle	Fire	\$45,000	Free Cash
End user technology – all departments	Information Technology	\$45,000	Free Cash
Police vehicles	Police	\$145,950	Free Cash
Total		\$767,000	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

(Board of Selectmen)

ARTICLE 6

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Fifty-Six Thousand Dollars (\$756,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Technology	School	\$140,000	Free Cash
Roofing	School	\$170,000	Free Cash
Repairs and maintenance	School	\$270,000	Free Cash
Copiers	School	\$60,000	Free Cash
Vehicles	School	\$116,000	Free Cash
Total		\$756,000	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

(Board of Selectmen)

ARTICLE 7

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Four Hundred Fifty Thousand Dollars (\$450,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Upgrades at all pump stations	Sewer	\$450,000	Sewer Retained Earnings
Total		\$450,000	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

(Board of Selectmen)

ARTICLE 8

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

Purpose	Amount	Funding Source
Stabilization Fund	\$100,000	Free Cash

(Board of Selectmen)

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Hundred Fifty Thousand Dollars (\$650,000) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20, or take any other action thereon

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$650,000	Taxation

(Board of Selectmen)

ARTICLE 10

To see if the Town will vote to accept and appropriate Four Hundred and Forty One Thousand Dollars (\$441,000) and reserve in building permit fees paid by the proponents of the University Station project to the Town of Westwood and appropriate and allocate said funds by vote of the Board of Selectmen for the cost associated with the resources, staffing and equipment needs and facility plans and land acquisition related to the permitting, inspection, legal, valuation and other services for the University Station Project prior, during and after construction, or take any other action relative thereon.

(Board of Selectmen)

ARTICLE 11

To see if the Town will vote to appropriate a sum of money to pay costs of constructing the Islington Fire Station, including the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

(Board of Selectmen)

ARTICLE 12

To see if the Town will vote to take the following actions related to the Athletic Field Improvements at the Deerfield School.

- (A) To authorize the Board of Selectmen to accept and appropriate the Housing Impact Fee of up to five hundred thousand dollars (\$500,000) from the proponents of University Station for the Athletic Field Improvements at the Deerfield School, pursuant to paragraph 6.3 of the development agreement.
- (B) To authorize the Board of Selectmen to enter into all necessary contracts and agreements and to do all things necessary to implement the purposes of this article,

or take any other action thereto.

(Board of Selectmen)

ARTICLE 13

To see if the Town will vote to appropriate a sum not to exceed Five Hundred Thousand Dollars (\$500,000) for the purpose of converting the Town of Westwood street lights to LED Technology and radio frequency technology, including the payment of all costs incidental or related thereto, and to determine whether this amount shall be raised by taxation, transferred from available funds, lease, borrowing or otherwise, or take any other action related thereto.

(Board of Selectmen)

ARTICLE 14

To see if the Town will vote to appropriate a sum of money not to exceed Four Hundred and Fifty Thousand Dollars (\$450,000) to pay costs of developing town-owned land for cemetery purposes, including the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

(Board of Selectmen)

ARTICLE 15

To see if the Town will vote to authorize the Board of Selectmen to apply for and/or accept state funds to be received as pre-payment and/or reimbursement for road improvements and deposit said funds into the Town's Road Improvement Account to be used to pay expenditures made or to continue the Town's road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for expenditure of any funds allocated or to be allocated by the Commonwealth for the improvement of roads within the Town of Westwood; and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said road improvement program, or take any other action thereto.

(Board of Selectmen)

ARTICLE 16

To see if the Town will vote to revise the Chapter 350 of the General Bylaws, entitled Stormwater Management, by deleting said chapter in its entirety and inserting the following General Bylaw, entitled, Chapter 350: Stormwater Management, in its place:

CHAPTER 350: STORMWATER MANAGEMENT

Chapter 350. STORMWATER MANAGEMENT

ARTICLE I – GENERAL PROVISIONS

§ 350-1. Purpose.

- A. The purpose of this bylaw is to protect the health, safety, general welfare, and environment in the management, operation, and maintenance of the Town's stormwater system by regulating or prohibiting actions detrimental to either the proper quality or quantity of water in the system. Actions regulated or prohibited include unauthorized or improper connections and discharges to the stormwater system, allowing or enabling pollutants to enter the system, and controlling construction site runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
 - (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B. The objectives of this bylaw are to:
 - (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges, including total maximum daily load (TDML) requirements;
 - (3) Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
 - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

- (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish the Town of Westwood's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 350-2. Definitions.

Definitions applicable to this bylaw are provided herein:

APPLICANT – Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the commonwealth or the federal government to the extent permitted by law requesting a land disturbance permit for proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement found to be effective and practical to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) – A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DEVELOPMENT:- – The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the MS4 or into the waters of the United States or commonwealth from any source.

DISTURBANCE OF LAND – Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION – The wearing away of the land surface by natural or artificial forces, such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN – A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices (BMPs), or equivalent measures designed to control surface runoff and erosion and sedimentation during preconstruction and construction-related land disturbance activities.

GROUNDWATER – Water beneath the surface of the ground.

- ILLCIT CONNECTION** – A surface or subsurface drain or conveyance which allows an illicit discharge into the MS4, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of the Stormwater Management Bylaw.
- ILLCIT DISCHARGE** - Direct or indirect discharge to the MS4 that is not composed entirely of stormwater, except as exempted in §350-9. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from firefighting activities exempted pursuant to §350-9D(1) of the Stormwater Management Bylaw.
- IMPERVIOUS SURFACE** - Any material or structure on or above the ground that prevents water from infiltrating the underlying soil, including without limitation roads, paved parking lots, sidewalks, and rooftops.
- IMPOUNDMENT** – A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.
- INFILTRATION** – The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.
- LAND DISTURBING ACTIVITY** – Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL)** – Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.
- MASSACHUSETTS ENDANGERED SPECIES ACT** –MGL c. 131A and its implementing regulations 321 CMR 10.00 which prohibit the taking of any rare plant or animal species listed as endangered, threatened, or of special concern.
- MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS** – The standards issued by the Department of Environmental Protection, and as amended, that coordinate the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131, § 40 and Massachusetts Clean Waters Act MGL c. 21, § 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and controlling the quantity of runoff from a site.
- MS4** - –Municipal separate storm sewer system; the system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westwood.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

STORMWATER DISCHARGE PERMIT - A permit issued by the United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGE - Discharge to the MS4 not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN – A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OWNER – A person with a legal or equitable interest in property.

PERSON - An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PRECONSTRUCTION – All activity in preparation for construction.

POLLUTANT(S) - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any MS4, sewage treatment works or waters of the commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes, sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, and soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

PROCESS WASTEWATER - Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT – Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface on previously developed sites.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE – Any lot or parcel of land or area of property where land disturbing activities are, were, or will be performed.

SOIL – Any earth, sand, rock, gravel, or similar material.

STORMWATER – Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER AUTHORITY – Town of Westwood Conservation Commission or its authorized agent(s).

STORMWATER MANAGEMENT PLAN – A plan required as part of the application for a land disturbance permit.

TOXIC OR HAZARDOUS MATERIAL OR WASTE – Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WASTEWATER - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

WATERCOURSE - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH - All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLAND RESOURCE AREA – Areas specified in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and in the Town of Westwood Wetlands Protection Bylaw.

WETLANDS – Tidal and nontidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include “marshes,” “swamps” and “bogs.”

§ 350-3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, the regulations of the Federal Clean Water Act found at 40 CFR 122.34, Chapter 1, § 1-4, of the General Bylaws of the Town of Westwood and Chapter 9 of the Charter of the Town of Westwood.

§ 350-4. Responsibility for administration.

The Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.

§ 350-5. Waivers.

- A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state and local statutes and/or regulations; and
 - (2) Is in the public interest; and
 - (3) Is not inconsistent with the purpose and intent of this bylaw.
- B. All waiver requests shall be submitted in writing and shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objective of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

§ 350-6. Regulations.

- A. The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- B. Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this bylaw. Administrative review approval shall comply with all other provisions of this bylaw.

§ 350-7. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

§ 350-8. Applicability.

Article II of this bylaw shall apply to all water entering the MS4 that is generated on any developed or undeveloped lands except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I, § 350-5.

§ 350-9. Prohibited activities; exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the MS4, onto an impervious surface directly connected to the MS4, into a watercourse, or into the waters of the commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of MS4. No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior consent from the Stormwater Authority.
- D. Exemptions. The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the MS4:
 - (1) Discharge or flow resulting from firefighting activities;
 - (2) Waterline flushing;
 - (3) Flow from potable water sources, with the exception of landscape irrigation and lawn watering;
 - (4) Springs;
 - (5) Natural flow from riparian habitats and wetlands;
 - (6) Diverted stream flow;
 - (7) Rising groundwater;
 - (8) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;
 - (9) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;

- (10) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided that the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (11) Discharge from street sweeping;
- (12) Dye testing, provided that verbal notification is given to the Stormwater Authority prior to the time of the test;
- (13) Nonstormwater discharge permitted under a National Pollutant Discharge Elimination System (NPDES) permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (14) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

§ 350-10. Additional prohibited pollutants.

- A. Pet waste: Because pet feces are a major component of stormwater pollution, and Westwood is subject to a bacteria TMDL, it shall be the duty of each person who owns, possesses, or controls a pet to remove and properly dispose of any feces left by the pet on any public or private property neither owned nor occupied by said person, or on any private property where untreated stormwater flows to the MS4. It is prohibited to dispose of pet feces in any public or private storm drain, catch basin, wetland or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a service dog or other service animal registered as such. Persons walking pets must carry with them a device designed to dispose of pet feces including, but not limited to, a plastic bag or "pooper scooper." For specific requirements and penalties for violations see General Bylaw Chapter 184, Animals.
- B. Pavement sealers: Coal-tar-based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the United States Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. The application of coal-tar-based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons and are thus permitted.

§ 350-11. Emergency suspension of storm drainage system access.

The Stormwater Authority may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 350-12. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the MS4 or waters of the commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Westwood Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all electronic or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 350-13. Enforcement.

The Stormwater Authority or its authorized agent shall enforce this bylaw, the regulations, and any associated orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations, or compelling the person to perform abatement or remediation of the violation.
- B. Orders. The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
 - (1) Elimination of illicit connections or discharges to the MS4;
 - (2) Performance of monitoring, analyses, and reporting;
 - (3) Requirement that unlawful discharges, practices, or operations shall cease and desist;
 - (4) Implementation of measures designed to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
 - (5) Remediation of pollutants in connection therewith.
- C. Deadline. If the enforcement authority determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline for the completion of abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the costs thereof shall be charged to the violator.

- D. Reimbursement of costs. If the Stormwater Authority determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the costs thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGLc. 59, § 57, after the 30th day at which the costs first become due.
- E. Criminal and civil penalties. Any person who violates any provision of this bylaw, the regulations, or the terms or conditions in any permit or order issued thereunder, shall be subject to a fine not to exceed \$300 for each day such violation occurs or continues, or in the alternative shall be subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- F. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, and Chapter 1, § 1-6, of the Town of Westwood General Bylaws, in which case the agent of the Stormwater Authority shall be the enforcement authority. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- H. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- I. Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 350-14. Transitional provisions.

Residential property owners shall have 60 days from the effective date of this bylaw to comply with its provisions, provided that good cause is shown for the failure to comply with the bylaw during that period.

ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

§ 350-15. Applicability.

- A. Article III of this bylaw shall apply to all activities that result in disturbance of 5,000 square feet of land or more that drains to the municipal separate storm sewer system (MS4). Except as authorized by the Stormwater Authority in a land disturbance permit or as otherwise provided in these regulations, no person shall perform any activity that results in disturbance of 5,000 square feet of land or more. There are two levels of reviews based on the amount of land proposed to be disturbed as part of a single project as follows:
- (1) Administrative land disturbance review is required for projects disturbing at least 5,000 square feet but less than 1/2 acre (21,780 square feet) of land.
 - (2) A land disturbance permit is required for disturbance of 1/2 acre (21,780 square feet) or more of land or if the proposed use is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards, regardless of the amount of land to be disturbed.
- B. Exemptions:
- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance;
 - (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - (3) Construction of utilities other than drainage (gas, water, electric, communication, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
 - (4) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act Regulation 310 CMR 10.04; and
 - (5) Disturbance of land or redevelopment that is subject to jurisdiction under the Wetlands Protection Act and demonstrates compliance with the Massachusetts Stormwater Management Standards and the Town of Westwood Stormwater Management Regulations as reflected in a valid order of conditions issued by the Conservation Commission.

§ 350-16. Permit required.

An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority. An approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Town of Westwood Stormwater Management Regulations (regulations). Permit procedures and requirements are outlined in the regulations. Where appropriate, said regulations will require an erosion and sedimentation control plan and/or an operation and maintenance plan. Any person that fails to follow the requirements of a land disturbance permit and/or the

requirements of an erosion and sedimentation control plan, or operation and maintenance plan issued under the regulations shall be in violation of the Town of Westwood Bylaws.

§ 350-17. Entry.

Filing an application for an approval or permit grants the Stormwater Authority and its employees or agents permission to enter the site to verify the information in the application and to inspect for compliance with approval or permit conditions.

§ 350-18. Inspection and site supervision.

The Stormwater Authority or its designated agent shall make inspections as outlined in the regulations to verify and document compliance with the land disturbance permit.

§ 350-19. Surety.

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

§ 350-20. Final reports.

Upon completion of the work, the applicant shall submit a report, including certified as-built construction plans, from a professional engineer (P.E.), surveyor, or certified professional in erosion and sedimentation control (CPESC), certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved erosion and sediment control plan and stormwater management plan. Any discrepancies shall be noted in the cover letter.

§ 350-21. Enforcement.

The Stormwater Authority or its authorized agent shall enforce this bylaw, the regulations, and any associated orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Stormwater Authority determines that a person has failed to follow the requirements of a land disturbance permit, and/or the requirements of a related erosion and sedimentation control plan or operation and maintenance plan, or is creating an adverse impact to a water resource area, or if the Stormwater Authority determines that an activity not otherwise required to obtain a land disturbance permit is causing an adverse impact to a water resource area, then the Authority may issue a written order to

the person to enforce the provisions of this bylaw or any regulations thereunder, and to remediate the adverse impact, which may include:

- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land disturbance permit
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting; and
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land disturbing activity.
- C. **Deadline.** If the enforcement authority determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline for the completion of abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the costs thereof shall be charged to the violator.
- D. **Reimbursement of costs.** If the Stormwater Authority determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the costs thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGLc. 59, § 57, after the 30th day at which the costs first become due.
- E. **Criminal and civil penalties.** Any person who violates any provision of this bylaw, the regulations, or the terms or conditions in any permit or order issued thereunder, shall be subject to a fine not to exceed \$300 for each day such violation occurs or continues, or in the alternative shall be subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- F. **Noncriminal disposition.** As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGLc. 40, § 21D and Chapter 1, § 1-6, of the Town of Westwood General Bylaws, in which case the agent of the Stormwater Authority shall be the enforcement authority. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- G. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- H. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- I. Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

(Board of Selectmen and Conservation Commission)

ARTICLE 17

To see if the Town will vote to authorize the Board of Selectmen to grant temporary and permanent easements to the Algonquin Gas Transmission LLC for the purpose of the transmission and distribution of gas, all as set forth in an Easement Agreement to be executed by the parties, said easements being shown on a plan entitled "Norfolk County, Massachusetts, Town of Westwood, Tract 1-17-6.02," dated 3/2/2015, by SpectraEnergy Partners, a copy of which is on file at the office of the Town Clerk, or take any other action thereon.

(Board of Selectmen)

ARTICLE 18

To see if the Town will vote to amend the Town of Westwood Code, Chapter 380 – Hackney/Taxi License Penalties to include Section 21 as follows:

§380-21 – Hackney/Taxi License Penalties

Whoever violates any of the Rules and Regulations promulgated under §380-20 shall be punished as follows:

- (a) Violations related to the licensing of taxis or the conduct of taxi operators as required by the regulations shall be punished by a fine of \$300. Violations shall include, but are not limited to: Operating a taxi company without a proper license, operating a taxi without a proper license, allowing an improperly licensed taxi driver to operate a taxi and refusing to accept a passenger.
- (b) Any other violations as required by the regulations related to the lawful operation of a taxi and/or a taxi company shall be punished by a fine of \$100 for the first offense, \$200 for the second offense and \$300 for each subsequent offense.
- (c) Notwithstanding any violation or fine referenced in the previous paragraphs, the license of a duly licensed taxi company, taxi operator or both may have said licenses suspended or revoked for a period of time determined appropriate by the Chief of Police based on

conduct that he/she deems to be in violation of this bylaw, the regulations cited above or that is necessary to ensure the health, safety and/or welfare of the Town.

- (d) Any violations of this bylaw shall be issued using a civil violation notice as approved by the Town.
- (e) Appeals will need to be filed with the Town Administrator's Office, 580 High Street, Westwood, MA 02090 within 21 days after the date of the violation. The Town Administrator will set up a hearing on said appeal in or within 30 days of the appeal; otherwise payment must be received within that time or by subject to interest and demand notice charge to be set by the Board of Selectmen. Failure to pay a fine that has been imposed within 30 days of the date of issuance or the date of a decision of an appeal, may result in revocation of license.

or take any other action thereto.

(Board of Selectmen)

ARTICLE 19

To see if the Town will vote to accept Chapter 53, Section 18B of the Massachusetts General Law, or take any other action thereto.

(Town Clerk)

ARTICLE 20

To see if the Town will vote to change the Zoning District of parcel designated Map 24, Lot 74 from Single Residence B (SRB) to High Business (HB) and to further amend the Official Zoning Map to reflect this change, or take any action relative thereto.

(Petitioner – Edward Richardson, 67 Webster Street)

ARTICLE 21

To see if the Town will vote to adopt a Demolition Delay Bylaw as a separate General Bylaw, numbered in proper sequence within the General Bylaws:

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

1.0 Demolition Delay Bylaw

- 1.1 **Intent and Purpose.** The purpose of this Bylaw is to protect the historic and aesthetic resources of the Town of Westwood by surveying, preserving, rehabilitating, researching, or restoring whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural, cultural, or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of Westwood.

1.2 **Definitions.** As used in this Bylaw, the following terms shall have the meanings indicated:

Application An application for a demolition permit filed by the owner of record of the premises, or the holder of a bona fide purchase and sale agreement for such premises. The application must be signed by both the applicant and (if different) the owner of record at the time of application. An applicant may withdraw an application without prejudice at any time prior to a decision by the Commission.

Commission The Westwood Historical Commission.

Commissioner The Building Commissioner of the Town of Westwood.

Demolition Any act of pulling down, destroying, removing or razing a building and/or structure or commencing the work of total or substantial destruction with the intent of completing the project.

Demolition Permit The permit issued by the Commissioner as required by the State Building Code for the demolition or removal of a building or structure.

Historically or Architecturally Significant Structure Any building or structure which is:

- a. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic, or social history of the Town of Westwood, the Commonwealth of Massachusetts, or the United States of America; or which is
- b. Historically or architecturally important by reason of period, style, method of construction, or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Preferably Preserved Any historically or architecturally significant structure individually or in context which, because of the important contribution made by such structure to the Town's historical or architectural resources, is in the public interest to preserve, rehabilitate, or restore.

Premises The parcel of land on which an historically or architecturally significant structure exists.

1.3 **Regulated buildings and structures.** The provisions of this Bylaw shall apply to only the following buildings and structures:

- 1.3.1 Buildings and structures listed on the National Register of Historic Places or the State Register of Historic Places, including contributing properties

within the Colburn School Historic District and the Fisher School Historic District.

- 1.3.2 Buildings and structures which in whole or in part were constructed on or before December 31, 1910.

1.4 **Procedure.**

- 1.4.1 Upon receipt of an application for a demolition permit for a building or structure regulated by this Bylaw, the Commissioner shall within ten (10) days transmit a copy thereof to the Commission. No demolition permit shall be issued except in conformance with the provisions of this section.
- 1.4.2 A public hearing shall be conducted by the Commission within sixty-five (65) days of receipt of the application for demolition permit by the Commission, and shall be closed within sixty-five (65) days of the opening of said hearing. Failure to open or close the hearing within these prescribed time periods shall be deemed to constitute constructive approval by the Commission, and in such case, the Commissioner shall, subject to the requirements of the State Building Code and any other applicable laws, Bylaws, rules and regulations, issue the demolition permit.
- 1.4.3 The Commission shall give notice of the public hearing by publishing at least fourteen (14) days before the hearing an announcement in a local newspaper of the time, place, and purpose of the hearing. The Commission shall also transmit a copy of said notice to the applicant, to the owner of record (if different from the applicant), to the owners of all properties within three hundred (300) feet of the subject property, to the Westwood Historical Society, and to any others the Commission deems necessary to notice. In cases where it is known that additional approvals will be required for the proposed redevelopment of the premises, including zoning variances, special permits, and/or subdivision approvals, notice of the Commission's public hearing shall be provided to the authority responsible for granting said approvals.
- 1.4.4 If, following the public hearing, the Commission determines that the building or structure proposed for demolition is not a historically or architecturally significant structure, or that the proposed demolition of the building or structure would not be detrimental to the purposes protected by this Bylaw, the Commission shall notify the Commissioner within fourteen (14) days of such determination. Upon receipt of such notification, or upon the expiration of fourteen (14) days from the close of the hearing without such notification, the Commissioner shall, subject to the requirements of the State Building Code and any other applicable laws, Bylaws, rules and regulations, issue the demolition permit.

- 1.4.5 If, following the public hearing, the Commission determines that (1) the building or structure is a historically or architecturally significant structure and (2) the demolition of this historically or architecturally significant structure would be detrimental to the historical or architectural resources of the Town, the Commission shall declare the building or structure a preferably preserved historically or architecturally significant structure. The Commission shall notify the applicant and the Commissioner within fourteen (14) days of such determination. If the Commission determines the building or structure to be a preferably preserved building or structure, then no demolition permit shall be issued for six (6) months from the date of such determination. If six (6) months have passed since the Commission issued its determination that a building or structure is a preferably preserved building or structure, then a demolition permit shall be promptly issued by the Building Commissioner..
- 1.4.6 Notwithstanding the above, the Commissioner may issue a demolition permit for a preferably preserved historically or architecturally significant structure after receipt of written notice from the Commission that (a) the structure has been fully documented to the satisfaction of the Commission, and that (b) all salvageable and valuable artifacts and materials have been or will be removed and preserved to the satisfaction of the Commission, and that (c) any of the following applies:
- 1.4.6.1 The Commission is satisfied that there is no reasonable likelihood that the applicant, owner, or some other reasonable person or group is willing to purchase, preserve, rehabilitate, restore, or relocate said building structure; or
- 1.4.6.2 The Commission is satisfied that for at least six (6) months, including periods of time prior to the date of submission of an application for demolition permit, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore, or relocate said building or structure, and that such efforts have been unsuccessful; or
- 1.4.6.3 The Commission is satisfied that the proposed demolition may be conducted in a manner that is not detrimental to the historical or architectural resources of the Town.
- 1.4.7 A decision by the Commission expires two (2) years from the date of the decision. If demolition has not occurred prior to the expiration of the Commission's decision, a new application for a demolition permit must be filed with the Commissioner, and reviewed by the Commission in accordance with the provisions of this section, prior to any subsequent demolition.

- 1.4.8 If a building or structure is determined to be a preferably preserved historically or architecturally significant structure, the owner shall be responsible for properly securing such building or structure, if vacant, to the satisfaction of the Commission. Should the owner fail to properly secure such building or structure, a subsequent destruction of such building or structure at any time during the period of the demolition delay through fire or other cause which could have been prevented by properly securing such building or structure, shall be considered a voluntary demolition in violation of this Bylaw and shall be subject to Section 1.6.2.

1.5 Commission's review and recommendation on other applications.

- 1.5.1 Upon receipt of an application for an Environmental Impact and Design Review (EIDR) Approval, a Flexible Multiple Use Overlay District (FMUOD) Special Permit, an Earth Material Movement (EMM) Special Permit, a Definitive Subdivision Approval, a Senior Residential Development (SRD) Special Permit, or an Open Space Residential Development (OSRD) Approval involving a parcel of land containing a building or structure regulated under Section 1.3, the granting authority shall transmit to the Commission a copy of the application for review and recommendation. Failure of the Commission to respond to the granting authority within thirty (30) days of its receipt of such application shall be deemed to signify its lack of opposition to the project.

1.6 Enforcement, remedies and appeals.

- 1.6.1 The Commission and the Commissioner are each authorized to institute any and all proceedings in law or in equity as they deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a violation thereof.
- 1.6.2 No building permit shall be issued with respect to any premises upon which an historically or architecturally significant structure has been voluntarily demolished in violation of this Bylaw for a period of two (2) years after the date of the start or completion of such demolition.
- 1.6.3 **Appeals to Board of Selectmen.** Appeals to the Board of Selectmen may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. The Petitioner shall file such appeal with the Town Clerk within twenty (20) days after the refusal of a permit or the issuance of the order of decision. The Petitioner shall forthwith transmit a copy thereof, with the date of filing certified by the Town Clerk, with the Board of Selectmen. The Board of Selectmen shall hold a public hearing within thirty (30) days of the receipt of the petition and shall render a decision within sixty (60) days from the date of filing. Failure by the

Board of Selectmen to take final action upon a petition within the sixty (60) day period shall be deemed to be a grant of the appeal.

1.6.4 **Appeals to Court.** A person aggrieved by a decision of the Board of Selectmen may appeal to a court of competent jurisdiction within twenty (20) days after the Board's decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

1.7 **Severability.** If any section, paragraph, or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

(Planning Board)

ARTICLE 22

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.4 [Senior Residential Development (SRD)]:

- 1) Add a new Section 8.4.1 [Moratorium on the Issuance of Senior Residential Development (SRD) Special Permits] to read as follows, and renumber subsequent sections accordingly:

8.4.1 **MORATORIUM ON THE ISSUANCE OF SENIOR RESIDENTIAL DEVELOPMENT SPECIAL PERMITS**

8.4.1.1 **Restriction on Applicability of Section 8.4.** In order to allow the Town adequate time to consider appropriate revisions to the provisions, standards, criteria and conditions of Section 8.4, no application for Senior Residential Development shall be accepted and no special permit pursuant to Section 8.4 shall be granted so long as this Section 8.4.1 is effective.

8.4.1.3 **Period of Restriction.** The Section 8.4.1 shall be effective immediately and continuing through May 10, 2016.

(Planning Board)

ARTICLE 23

To see if the Town will vote 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 changes to the underlying zoning designation of one or more parcels and/or the expansion of one or more FMUOD districts:

- 1) Add a new Section 9.5.8.7 to read as follows, and renumber subsequent sections, and references to those renumbered sections, as appropriate:

9.5.8.7 Additional Uses Permitted by FMUOD Special Permit in FMUOD6:

9.5.8.7.1 Multi-family dwelling.

- 2) Add a new Section 9.5.8.8 to read as follows, and renumber subsequent sections, and references to those renumbered sections, as appropriate:

9.5.8.8 Additional Uses Permitted by FMUOD Special Permit in FMUOD7:

9.5.8.8.1 Multi-family dwelling.

- 3) Revise Section 9.5.13 to read as follows:

9.5.13 Residential Units. Pre-existing and new housing units, where permitted, shall occupy no more than thirty-three (33%) of the total gross floor area of any project within FMUOD 1, and no more than fifty percent (50%) of the total gross floor area of any project within FMUOD 3, FMUOD 6 or FMUOD 7. 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 significant 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 the approved percentage of 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. Residential units shall be located on upper stories unless the Planning Board determines that a combination of first floor and upper floor residential units are acceptable in a particular development.

(Planning Board)

ARTICLE 24

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.4.2 [Accessory Apartments]:

- 1) Delete Section 4.4.2 [Accessory Apartments] in its entirety and adopt a new Section 8.3 [Accessory Apartments] to read as follows, and renumber subsequent sections, and references to those renumbered sections, as appropriate:

8.6 ACCESSORY APARTMENTS

8.6.1 **Purposes.** The purposes of this section are as follows:

8.6.1.1 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character; and

8.6.1.2 to encourage preservation of community character through the continued ownership of existing residential properties and their surrounding landscapes.

8.6.2 **Special Permit Required.** An Accessory Apartment shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

8.6.3 **Applicability.** The principal dwelling or accessory building or structure to be altered or constructed to contain an Accessory Apartment shall be a single-family dwelling or building accessory thereto.

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

8.6.5 **General Requirements.** An Accessory Apartment shall be subject to the following general requirements:

8.6.5.1 There shall be no more than one (1) Accessory Apartment per lot.

8.6.5.2 No Accessory Apartment shall be permitted on a property which also contains a Conversion of a One-family Dwelling pursuant to Section 8.1.

8.6.5.3 No Accessory Apartment shall be permitted on a property which also contains a boarding house.

- 8.6.5.4 The owner of the premises within which the Accessory Apartment is located shall occupy either the principal dwelling or the Accessory Apartment. For purposes of this Section, the owner shall be one or more individuals who constitute a family, who holds title to the premises, and for whom the premises is the primary residence for voting and tax purposes. An affidavit certifying owner occupancy shall be filed with the Building Commissioner upon initial occupancy and every four years thereafter.
- 8.6.5.5 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated by the occupancy of the Accessory Apartment, in accordance with the requirements of the Board of Health.
- 8.6.6 **Design Requirements.** An Accessory Apartment shall be subject to the following design requirements:
- 8.6.6.1 The exterior character of the property containing an Accessory Apartment within a principal or accessory building or structure shall maintain the appearance of a single-family property.
- 8.6.6.2 The floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.
- 8.6.6.3 The floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.
- 8.6.6.4 Adequate provision shall be made for direct ingress and egress to and from the Accessory Apartment without passage through any other portion of the principal structure, except that passage to and from the Accessory Apartment shall be permitted through a garage or breezeway connected to the principal structure.
- 8.6.6.5 All stairways to upper stories shall be enclosed within the exterior walls of the building in which the Accessory Apartment is located.
- 8.6.7 **Alterations, Relocations, or Additions.** The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration,

relocation, or addition does not significantly change the exterior character of the property.

8.6.8 **Parking Requirements.** An Accessory Apartment shall be subject to the following parking requirements:

- 8.6.8.1 Off-street parking shall be provided for each automobile used by an occupant of the Accessory Apartment. Said parking shall be in addition to the number of parking spaces required pursuant to Section 6.1.3.1 of this Bylaw.
- 8.6.8.2 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space. No parking space shall be located within a street right-of-way.
- 8.6.8.3 If a total of more than four (4) parking spaces are required to serve the principle dwelling and the Accessory Apartment, the provision of such additional spaces shall require a special permit pursuant to Section 4.3.3.2 of this Bylaw.
- 8.6.8.4 Where there are more than four (4) outdoor parking spaces associated with the principal dwelling and the Accessory Apartment, said parking spaces shall be screened with evergreen or dense deciduous plantings, walls or fences, or a combination thereof acceptable to the Zoning Board of Appeals. Said screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.

8.6.9 **Building Permit and Certificate of Occupancy Required.** No accessory apartment shall be constructed without the issuance of a building permit by the Building Commissioner. No use of an Accessory Apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Commissioner, shall be in effect. A certificate of occupancy shall not be issued unless the Building Commissioner determines that the accessory apartment is in conformity with the provisions of this Section and any special permit issued therefor.

8.6.10 **Expiration of Special Permit.** A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes. Failure to provide recertification of owner occupancy pursuant to Section 8.3.5.4 shall be grounds for automatic expiration.

- 2) Revise Section 8.1 [Conversion of One-family Dwelling] subsection Section 8.1.2 [Special Permit Required] to read as follows:

8.1.2 **Special Permit Required.** Upon the grant of a special permit by the Board of Appeals, the conversion and/or use of a one-family dwelling to a dwelling for not more than two (2) families may be authorized, provided that such one-family dwelling was constructed on or before December 31, 1938, and provided that the exterior character of the property remains consistent with that of a single-family dwelling, and provided that no accessory apartment is in existence on the same property pursuant to Section 8.6 of this Bylaw.

- 3) Revise Section 4.3.3 [Accessory Uses in Residential Districts] subsection 4.3.3.12 to read as follows:

4.3.3.12 Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, subject to the conditions in Section 8.6

(Planning Board)

ARTICLE 25

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.1 [Earth Material Movement (EMM)]:

- 1) Delete Section 7.1 [Earth Material Movement] in its entirety and replace with a new Section 7.1 [Earth Material Movement] to read as follows:

7.1 EARTH MATERIAL MOVEMENT (EMM)

7.1.1 **Special Permit Required.** No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor granted by the Planning Board.

7.1.2 **Application Requirements.** An application for a special permit for Earth Material Movement (EMM) shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Planning Board. The site plan shall be prepared by a Registered Land Surveyor or Registered Professional Engineer and shall include the following information:

7.1.2.1 Existing topographical contours of the subject land shown at two (2) foot intervals;

7.1.2.2 Existing topographical contours of adjacent land shown at two (2) foot

- intervals, if available;
 - 7.1.2.3 Topographical contours as proposed after completion of the operation;
 - 7.1.2.4 Proposed lateral support to adjacent properties;
 - 7.1.2.5 Proposed drainage and soil erosion prevention measures;
 - 7.1.2.6 Quantity and composition of earth material to be exported, imported or regraded;
 - 7.1.2.7 Other information necessary to indicate the complete physical characteristics of the operation.
- 7.1.3 **Special Permit Decision.** An EMM Special Permit shall be granted by the Planning Board only upon its written determination that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town, and will be in harmony with the general purpose and intent of this Section. No special permit for the movement of earth material (including temporary structures accessory thereto), shall be granted if the Board finds that operations conducted thereunder would:
- 7.1.3.1 Be injurious or dangerous to the public health or safety;
 - 7.1.3.2 Produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
 - 7.1.3.3 Result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards;
 - 7.1.3.4 Result in transportation which will cause undue injury to roadway surfaces;
 - 7.1.3.5 Result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
 - 7.1.3.6 Have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water; or
 - 7.1.3.7 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.

7.1.4 **Conditions.** In granting a special permit hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

- 7.1.4.1 Area and limits of work;
- 7.1.5.2 Method of import, export and/or regrading of earth material;
- 7.1.4.3 Type and location of temporary structures;
- 7.1.4.4 Duration of time and termination date of import, export and/or regrading of earth material;
- 7.1.4.5 Hours of operation;
- 7.1.4.6 Policing of traffic entering and leaving the site;
- 7.1.4.7 Routes for transporting earth material through the Town;
- 7.1.4.8 Area and depth of excavation and/or fill;
- 7.1.4.9 Proximity to street and lot lines;
- 7.1.4.10 Grades of slopes;
- 7.1.4.11 Reestablishment of ground levels and grades;
- 7.1.4.12 Provisions for temporary and permanent drainage and erosion control;
- 7.1.4.13 Disposition of boulders, tree stumps and other debris;
- 7.1.4.14 Replacement of loam over the area of removal;
- 7.1.4.15 Planting of the area to suitable cover, including trees; and
- 7.1.4.16 Cleaning of roadway surfaces during and following transport of earth material.

7.1.5 **Fill Material.** A statement may be required from a certified professional to verify the source and content of fill material if the special permit is issued for the placement of fill. The analysis of the content of the fill material may be required so as to detect the presence and quantity of hazardous or substandard materials. This analysis shall be conducted by a certified professional hired by the Planning Board at the expense of the Applicant.

- 7.1.6 **Surety and Performance Bond.** A surety and performance bond, cash or other adequate security may be required to insure compliance with the terms, conditions, limitations and safeguards of such special permit and to indemnify the Town for any harm to any public well, roadway, wetland or other resource caused by such import, export and/or regrading of earth material and the equipment used for such operations on the premises or by ancillary activities.
- 7.1.7 **Time Limit.** No special permit for the export, import and/or regrading of earth material shall be granted for a period of more than one (1) year in a Residential District or more than three (3) years in a Nonresidential District, although the special permit may be renewed for additional periods in the same manner as for the initial issuance.
- 7.1.8 **Exempt Operations.** The movement of earth material in any of the following operations shall constitute an exempt operation and shall not require an EMM special permit:
- 7.1.8.1 **Less Than 200 Cubic Yards in Residential Districts.** Export, import and/or regrading of less than two hundred (200) cubic yards of earth material in the aggregate in any year on any one premises within a Residential District, so long as such export, import or regrading results in finished slopes of less than fifteen percent (15%) and finished elevations of less than five (5) feet above surrounding and undisturbed natural grade elevations.
- 7.1.8.2 **Less Than 250 Cubic Yards in Nonresidential Districts.** Export, import and/or regrading of less than two hundred (250) cubic yards of earth material in the aggregate in any year on any one premises within a Nonresidential District, so long as such export, import or regrading results in finished slopes of less than fifteen percent (15%) and finished elevations of less than five (5) feet above surrounding and undisturbed natural grade elevations.
- 7.1.8.3 **Excavation for Foundations.** Export and/or regrading of earth material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of earth material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk or path below finished grade, and provided that resultant finished slopes are less than fifteen percent (15%) and finished elevations are less than five (5) feet above surrounding and undisturbed natural grade elevations.
- 7.1.8.4 **Agricultural, Horticulture or Floriculture Uses.** Export, import and/or regrading of earth material consisting of compost, peat, manure, loam or other vegetative or earthen matter by exempt agricultural, horticulture or floriculture uses necessary for, or directly related to, the planting,

cultivation or harvesting of vegetative products or the raising or care of animals.

7.1.8.5 **Governmental Uses.** Export, import and/or regrading of earth material on land in use by the Town or other governmental agency.

7.1.9 **Subdivisions.** The export, import and/or regrading of earth material on any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the export, import and/or regrading of earth material on the premises, even though in connection with the construction of streets and the installation of municipal services shown on a subdivision plan, and an EMM Special Permit shall be required pursuant to this Section.

7.1.10 **Existing Earth Material Removal Operations.** A sand or gravel pit, quarry or other earth material removal activity in lawful operation on any premises on the effective date of this Bylaw may continue as an exempt operation unless and until abandoned, or if operating under a prior special permit issued by the Board of Appeals or Planning Board, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by such prior special permit or by a new special permit issued hereunder (i) the depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this Bylaw; (ii) the total area of excavation shall not be increased by more than fifty percent (50%) over its area on said date; and (iii) the amount of material removed per day shall not exceed by more than fifty percent (50%) the daily average for the twelve (12) months preceding said date or the actual period of operation, if less than twelve (12) months.

(Planning Board)

ARTICLE 26

To see if the Town will vote 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 uses:

- 1) Replace the definition for the term “Height, Building” with a new definition for “Building Height” to read as follows:

Building Height The vertical distance from grade plane to the average height of the highest roof surface. 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) Replace the definition for the term “Manufacturing” with a new definition for “Manufacturing” to read as follows:

Manufacturing A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding the following: acid manufacture; cement, bituminous concrete or asphalt manufacture; lime, gypsum or plaster of paris manufacture; production of chlorine or similar noxious gases; distillation of bones; drop-forge industries manufacturing forging with power hammers; explosives manufacture; fertilizer manufacture; garbage, offal, or dead animal reduction or dumping; glue manufacture; hair manufacture; petroleum refining; processing of sauerkraut, vinegar or yeast; rendering or refining of fats or oils; smelting of tin, copper, zinc or iron ore, including blast furnace or blooming mill; stockyard or feeding pen; slaughter of animals.

- 3) Add a new definition for the term “Accessory Apartment” to read as follows:

Accessory Apartment A self-contained area comprised of living space, kitchen space and a bathroom, within a single family home or as an accessory structure thereto, and which may be occupied by one or more individuals, related or unrelated to the owner of the principal dwelling, and which accessory apartment is subject to the conditions of Section 8.3 of this Bylaw.

- 4) Add new definitions for the terms “Commercial Scale Solar” and “Non-commercial Scale Solar” to read as follows:

Commercial Scale Solar Any Solar Energy Facility which exceeds fifteen (15) kilowatts capacity.

Non-commercial Scale Solar Any Solar Energy Facility which has a capacity of fifteen (15) kilowatts or less.

- 5) Add a new Sections 4.1.7.5 and 4.1.7.6 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.17.5 Commercial Scale Solar	N	N	BA	N	BA	N	N	BA	BA	Y	Y	Y	BA
4.17.6 Non-commercial Scale Solar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

- 6) Add a new definition for the term “Fire Arms/Explosives Sales and Service” to read as follows:

Fire Arms/Explosives Sales and Service The sale and/or service and/or repair of firearms, ammunition, or explosives by a firearms dealer, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

- 7) Add a new Sections 4.1.5.39 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.39 Fire Arms/Explosives Sales and Service	N	N	N	N	N	N	N	BA	BA	BA	BA	N	N

- 8) Add a new definition for the term “Grade Plane” to read as follows:

Grade Plane A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

- 9) Add a new definition for the term “Taxi Service” to read as follows:

Taxi Service An individual, business or organization engaged in the operation or dispatch of one or more vehicles used or designed to be used for the conveyance of persons or parcels from place to place for hire, including limousine service, but excluding said service operated or authorized by municipal or state authority.

- 10) Add a new Sections 4.1.5.40 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.41 Taxi Service	N	N	N	N	N	N	N	N	N	BA	N	N	N

- 11) Add a new definition for the term “Yard Sale” to read as follows:

Yard Sale Any display of goods and/or samples for sale of said goods on a residential property.

12) Add a new Sections 4.3.3.10 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.3.10 Yard Sale, limited to no more than two days per sale, and no more than two sales per year on any residential property	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N

(Planning Board)

ARTICLE 27

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.3 [Enclosure, Screening, and Buffers]:

1) Revise Section 6.3.4 to reads as follows:

6.3.4 Uses within Buffer Areas. Buffer areas, except as the same are part of a public street, shall be used only as provided herein. No building or structure, except for fences constructed in accordance herewith, shall be constructed or otherwise placed within any portion of the buffer area, whether or not used for business or industrial purposes. However, in an Industrial District the buffer area may contain driveways, and in a Local Business, Highway Business or Industrial District the buffer area may contain sidewalks or pedestrian paths, as long as the applicable screening requirements set forth in Sections 6.3.4.1 or 6.3.4.2 are achieved to the satisfaction of the Planning Board. The following distances nearest the Residential District boundary shall be used and maintained so as to preserve the natural features of the area, including trees, woods, streams and ponds, and as a planting area for lawns with trees, shrubs and other landscape materials:

6.3.4.1 In the Industrial Districts, one hundred twenty-five (125) feet. The remaining seventy-five (75) feet of buffer area may be used for unenclosed surface off-street parking or other permitted outdoor uses, providing such uses are screened from view at normal eye level on said Residential District boundary line.

6.3.4.2 In the Local Business or Highway Business Districts, twenty (20) feet. A suitable planting area shall be interpreted as requiring a substantially sight impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight impervious fence at least five (5) feet and not more than eight (8) feet in height. Notwithstanding the foregoing, the plantings within any portion of a buffer area located within eight (8) feet of a public street

or any other roadway shall be such as to avoid impairment of traffic visibility.

- 2) Revise Section 6.3.5.1 to replace the words “parking facility” with the words “parking area” so that the revised Section 6.3.5.1 reads as follows:

6.3.5.1 Any off-street parking area containing five (5) or more parking spaces and located in or adjacent to a Residential District, and not contained within a structure;

(Planning Board)

ARTICLE 28

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 5.4 [Height Regulations]:

- 1) Revise Section 5.4.2 to replace the words “the Massachusetts State Building Code” with the words “the definition of ‘Building Height’ contained in Section 2 of this Bylaw” so that the revised Section 5.4.2 reads as follows:

5.4.2 **Height Determination and Exceptions.** In all Districts, the height of a building or structure shall be measured as set forth in the definition of “Building Height” contained in Section 2 of this Bylaw, except that in Residential Districts, the height of a building or other structure shall be measured from the highest finished ground elevation adjoining the structure at the 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 not used in any way for human occupancy.

(Planning Board)

ARTICLE 29

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

- 1) Delete the section reference to Section 4.3.3.6 [Home Occupation pursuant to Section 4.4.1] which was erroneously duplicated in the Accessory Use Chart.

(Planning Board)

ARTICLE 30

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.5 [Street Access Special Permit]:

- 2) Delete the existing Section 7.5 [Street Access Special Permit] in its entirety and add a new Section 7.5 [Access Approval Overlay District] to read as follows:

SECTION 7.5 ACCESS APPROVAL OVERLAY DISTRICT

- 7.5.1 **Purpose.** This overlay district shall be called the Clapboardtree Street/Canton Street Corridors Access Approval Overlay District. The purpose of this overlay district is to maintain the integrity, viability and safety of certain portions of Clapboardtree Street and Canton Street that are subject to or potentially subject to traffic by non-residential or multi-family residential uses of adjacent properties. In order to protect residentially zoned districts in Westwood and in the general public interest, it is vital to ensure that the limited public road, highway, private way and ancillary traffic resources adjacent to and contributing to traffic on Clapboardtree Street and Canton Street, the Route 1A/Clapboardtree Street/Everett Street/Washington Street intersection and the University Avenue/Canton Street intersection are not overburdened, becoming inoperable and unsafe “gateways” to our community and causing detriment to the public safety and harm to the residents currently within this district.
- 7.5.2 **Granting Authority.** The Planning Board shall be the granting authority for all approvals required under this Section.
- 7.5.3 **Applicability.** The Clapboardtree Street Corridor Overlay shall apply to all land abutting Clapboardtree Street from Milk Street to Everett Street. The Canton Street Corridor Overlay shall apply to all land abutting Canton Street from Hemlock Drive to the beginning of Dedham Street.
 - 7.5.3.1 Except as provided herein, an Access Approval shall be required for a new or modified curb cut that provides access for a commercial, institutional or multifamily use to any public road within the overlay district. The Access Approval shall be required prior to the issuance of a curb cut permit by the Department of Public Works.
 - 7.5.3.2 The Access Approval requirement shall not apply to any existing or proposed curb cut on a state highway.
 - 7.5.3.3 The Access Approval requirements shall not apply to any existing or proposed curb cuts for projects which are anticipated to add fewer than fifty (50) vehicle trips per day to Clapboardtree Street or Canton Street, and which are not anticipated to negatively affect the level of service of either the Route 1A/Clapboardtree Street/Everett Street/Washington Street intersection or the University Avenue/Canton Street intersection, and

which are otherwise determined by the Town Planner to have de minimis effects on traffic within the overlay district.

- 7.5.3.4 This Section 7.5 shall not apply to any building or use which prior to March 27, 2015 has (i) been issued a special permit pursuant to General Laws Chapter 40A, Section 9, and (ii) has submitted an application for a curb cut permit for an access drive to serve that building or use.
- 7.5.3.5 This overlay district's regulations supplement the zoning regulations of the underlying zoning district. The overlay district is an additional zoning requirement that does not change the underlying zoning.
- 7.5.3.6 When the overlay district standards conflict with applicable standards of the underlying zoning district or with other regulations of this bylaw, the regulations of the overlay district shall govern. When no special overlay district standards are specified, the base district standards and all other applicable regulations of this bylaw shall govern.
- 7.5.4 **Procedures.** An application for Access Approval shall be accompanied by a site plan and other application materials in accordance with the requirements specified below and in 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 Applicant and Director of Public Works. The public hearing shall be noticed in accordance with the notice requirements set forth in the Planning Board's rules and regulations. A written decision shall be filed with the Town Clerk within ninety (90) days following the closure of the public hearing.
- 7.5.5 **Submittal Requirements.** To assist the Planning Board in its evaluation of an application for Access Approval hereunder, the Applicant shall submit the following materials at the time of application, except to the extent waived by the Planning Board:
 - 7.5.5.1 **Application Form.** The application form as provided in the rules and regulations.
 - 7.5.5.2 **Traffic Impact Study.** A detailed traffic impact analysis shall be provided for any new or expanded development which will have an anticipated change in traffic volume in excess of an average of 50 additional vehicle trips per day. The traffic impact shall analyze access and egress to Clapboardtree Street or Canton Street, as the case may be, and the impact at all intersections within one mile of the proposed curb cut.
 - a. **Determination of Traffic Impact.** In determining traffic generation under this provision, the data contained in the most recent edition of the Institute of Traffic Engineers publication "Trip Generation" shall be used.

- b. The traffic impact analysis shall be prepared by a registered professional engineer experienced and qualified in traffic engineering. The Planning Board may engage, at the applicant's expense, a traffic engineer to peer review the traffic impact analysis.

7.5.5.3 Site Plan. A site plan, prepared by a Registered Professional Engineer, Registered Landscape Architect and/or Registered Professional Land Surveyor, showing the location of all structures, the number and location of parking and loading spaces, and the layout of all site drives. The purpose of this requirement is to provide the context for the proposed curb cut, and nothing herein shall authorize the Planning Board to regulate parking, the layout of internal driveways, and other aspects of a proposed development not related directly to the use of the proposed curb cut by project-related traffic.

7.5.6 Decision. All new curb cuts or proposed changes for existing curb cuts, except as exempt pursuant to Section 7.5.3.2 or Section 7.5.3.3, shall require the receipt of an Access Approval from the Planning Board. Access Approval shall be granted upon the determination of the Planning Board that the application meets the objectives cited herein. The Planning Board shall not deny an application for an Access Approval but, consistent with the guidelines above, may impose reasonable conditions at the expense of the Applicant, including performance guarantees, to promote these objectives. The Access Approval requirement shall not 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. Review of uses protected by M.G.L. Chapter 40A, Section 3 shall be limited consistent with that statutory provision.

7.5.6.1 The Planning Board shall base its decision on the safety, design and expected performance of the proposed access/egress point as detailed in the traffic study and on the site plan, as well as the effect of the additional vehicles on existing intersections within one mile of the curb cut. In order to issue the Access Approval, the Planning Board must find that the traffic generated by the proposed project will adequately protect the public interest and will not cause material detriment to the public safety of residents within the district and the Town of Westwood. If the Planning Board cannot make this finding based on the traffic impact analysis and peer review of said analysis, if any, the Planning Board shall condition its Access Approval as necessary to enable positive findings to be made.

7.5.6.2 All reasonable efforts shall be made to align curb cuts with existing curb cuts on the opposite side of the street in order to maximize pedestrian and vehicular safety.

7.5.6.3 The Planning Board may require off-site mitigation within up to one mile of the curb cut if necessary to protect public safety.

- 7.5.7 **Modifications.** Once an Access Approval has been granted by the Planning Board, if any subsequent changes are proposed to a project approved hereunder, which changes are determined by the Town Planner to modify the site plan or proposed use so as to negatively affect or alter traffic flow or volume, an application for modification of the Access Approval shall be submitted pursuant to this Section.
- 7.5.8 **Lapse.** Access Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the Access Approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.
- 7.5.9 **Regulations.** The Planning Board may adopt reasonable rules and regulations for the administration of this Section.
- 7.5.10 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for Access Approval.
- 7.5.11 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for Access Approval under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for approval hereunder shall contain an agreement by the Applicant to that effect.

(Planning Board)

ARTICLE 31

To see if the Town will vote to require the Town to establish in all municipal and school buildings to benchmark monthly building utility energy and water use in order to establish a baseline and ongoing energy and water building performance scores.

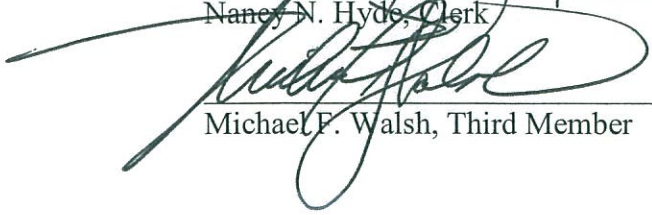
(Petitioner – Michael Brier, 43 Dover Terrace)

Given under our hand this 13th day of April, 2015:

BOARD OF SELECTMEN


Patrick J. Ahearn, Chairman


Nancy N. Hyde, Clerk


Michael F. Walsh, Third Member

Norfolk,ss:

By virtue of this warrant, I have notified and warned the legal voters of Westwood, aforesaid to meet at the time and places specified in said warrant by posting attested copies thereof online and in four public places equally distributed among the four precincts in Westwood.


Constable, Sgt. Paul Sicard


Town Clerk, Dorothy A. Powers, CMC, CMMC

April 14, 2015
Date

April 14, 2015
Date