



Pursuant to a warrant dated October 19, 2015 signed by Selectmen, Patrick J. Ahearn, Nancy C. Hyde and Michael F. Walsh, and duly posted online and in four public places equally distributed among the four precincts in Town, by Constable Sgt. Paul Sicard on October 28, 2015, the inhabitants of Westwood qualified to vote in Elections and Town affairs, convened in the Westwood High School Auditorium on Monday November 9, 2015 at 7:30 p.m..

Moderator Alice E. Moore declared the presence of a quorum with two hundred and seventy ~270~registered voters in attendance calling the meeting to order at 7:36 p.m. The first order of business was the reading of the Town Meeting Warrant which had been duly posted by Constable Sgt. Sicard. The Moderator determined that the Constable had filed a return of service and the warrant was read after which time all stood for the Pledge of Allegiance to the flag led by Westwood Boy Scouts Troop Three ~3~. The Town then voted unanimously on the Selectmen's move to dispense with the reading of the articles and full warrant, and to adjourn the meeting until 7:30 p.m. on Tuesday, November 10, 2015 at 7:30 p.m. in the Westwood High School Auditorium if business was not completed by 10:45 p.m. The Moderator explained Town Meeting procedures and then made a motion for the town to consider each of the articles below which were all moved and seconded.

ARTICLE 1

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to raise and appropriate the sum of One Hundred Thousand Eight Hundred Seventy One Dollars (\$100,871) for the operation of the municipal and school departments for the fiscal year July 1, 2015 through June 30, 2016, as set forth below:

Budget	Amount	Funding Source
Municipal Operating Budget	\$23,371	FY16 State Aid
School Operating Budget	\$77,500	FY16 State Aid

ARTICLE 2

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to transfer from available funds the sum of Seven Hundred and Twenty Five Thousand Dollars (\$725,000) to the Capital Improvements Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Purpose	Amount	Funding Source
Capital Improvements Stabilization Fund	\$725,000	Bond Premium Account

ARTICLE 3

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Thousand Dollars (\$700,000) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20.

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$700,000	FY2016 Health Insurance Budget

ARTICLE 4

The Finance and Warrant Commission recommended and the Town initially defeated the article by a Standing Vote, 135 Yes~ 84 NO (2/3 vote not met). A Motion from floor was then made to reconsider Article 4. Reconsideration of the article passed by a 2/3 standing vote in favor declared by the Moderator, 199 YES~ 20 NO. The article was then voted on again and passed by a 2/3 voice vote in favor declared by the Moderator to raise and appropriate the sum of Nine Hundred and Twenty Five Thousand Dollars (\$925,000) for the Capital Improvements Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Purpose	Amount	Funding Source
Capital Improvements Stabilization Fund	\$925,000	Tax Levy

ARTICLE 5

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to appropriate and/or transfer from retained earnings up to Four Hundred Thousand Dollars (\$400,000) to accomplish the sewer extension project on Grove Street; the residential property owners of that portion of Grove Street to be served by the sewer extension shall be responsible for betterment charges which will reimburse the town for half the cost of the sewer connection. The listed capital improvement project must be authorized by majority vote of the Board of Selectmen prior to implementation of the project and/or expenditure of funds; and to authorize the Board of Selectmen and/or Sewer Commission to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases.

ARTICLE 6

The Finance and Warrant Commission recommended and the Town voted by a unanimous vote in favor declared by the moderator to amend article 6 by striking out *“eminent domain”* in Section C. of the Article. The article as amended passed by a 2/3 voice vote declared by the Moderator to authorize the Board of Selectmen to take the following actions in conjunction with the acquisition and disposition of certain parcels of land located off Laura Lane and Westwood Glen Road:

- A. To accept the declaration of the School Committee that a certain parcel of property located off Laura Lane and shown as “Parcel A” (the “Hanlon Parcel”) on a plan entitled “Paul Hanlon School, #790 Gay Street, Westwood, Massachusetts,” dated October 13, 2015, prepared by Hoyt Land Surveying, inclusive of any revisions to said plan, is no longer required for school or other public purposes and thus constitutes surplus property, and for the Board of Selectmen to accept care, custody and control of the Hanlon Parcel

for purposes of conveying, transferring, or otherwise disposing of such land in accordance with law;

- B. To convey, transfer, or otherwise dispose of the Hanlon Parcel in accordance with applicable procurement laws on terms acceptable to the Board of Selectmen for the minimum price of one dollar and other good and valuable consideration or for such other price as is established through procurement;
- C. To acquire, by purchase, gift, **eminent domain** or otherwise, those certain parcels of Land shown as Lot C1, Parcel R3, and Parcel 3 on a plan entitled "Definitive Subdivision, 590 High Street, Westwood, Mass.," dated July 13, 2015, prepared by Feldman Land Surveyors, comprising two four sheets, inclusive of any revisions to said plan (the "Subdivision Plan"), on terms acceptable to the Board of Selectmen;
- D. To acquire, by purchase, gift, eminent domain or otherwise, and to abandon, any and all easements, rights (including rights of way), or restrictions as is necessary or convenient to convey or acquire clear title to the above-referenced parcels of land, on terms acceptable to the Board of Selectmen;
- E. To appropriate and/or transfer from available funds the sum of Four Hundred Thousand Dollars (\$400,000) to make a payment to the Girl Scouts of Eastern Massachusetts, Inc., or its successor, assign, or designee, for site work and construction of a scout house and to establish an escrow account for the purpose of paying unforeseen costs related to the construction of the scout house and to cover the costs of related site work and improvements to the Hanlon School parking lot; and
- F. To enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect the above actions;

ARTICLE 7

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to authorize the Board of Selectmen to take the following actions in conjunction with the acquisition and disposition of certain parcels of land for purposes of establishing a new police headquarters for the welfare and safety of the public and establishing a public way from Deerfield Avenue to Westwood Glen Road in furtherance of the public necessity and convenience:

- A. To acquire, by purchase, gift, eminent domain or otherwise, the parcels of land shown as Parcel 1 and Parcel R1 on a plan entitled "Definitive Subdivision, 590 High Street, Westwood, Mass.," dated July 13, 2015, prepared by Feldman Land Surveyors, comprising four sheets, inclusive of any revisions to said plan (the "Subdivision Plan"), on terms acceptable to the Board of Selectmen;
- B. To convey to a person or entity selected in accordance with applicable procurement laws that parcel of land shown as Parcel 2 on the Subdivision Plan, on terms acceptable to the Board of Selectmen;

- C. To acquire, by purchase, gift, eminent domain or otherwise, and to abandon, any and all easements, rights (including rights of way), or restrictions as is necessary or convenient to convey or acquire clear title to the above-referenced parcels of land, on terms acceptable to the Board of Selectmen; and
- D. To enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect the above actions.

ARTICLE 8

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to authorize the Board of Selectmen to take the following actions in conjunction with the acquisition and disposition of certain parcels of land for purposes of establishing a public way from Deerfield Avenue to Westwood Glen Road in furtherance of the public necessity and convenience:

- A. To accept the declaration of the School Committee that Parcel R4 on a plan entitled “Definitive Subdivision, 590 High Street, Westwood, Mass.,” dated July 13, 2015, prepared by Feldman Land Surveyors, comprising two four sheets, inclusive of any revisions to said plan (the “Subdivision Plan”), constitutes surplus property no longer needed for school purposes, and to transfer care, custody, control and management of this land to the Board of Selectmen for the purpose of incorporating said parcel into the public way and parking described below;
- B. To lay out, in furtherance of public necessity and convenience, the public way shown as “Proposed Variable Width Right of Way” on the Subdivision Plan, comprising Parcels R1, R2, R3, and R4 on said Plan, contingent upon the completion of roadway construction and acceptance of said roadway by the Board of Selectmen, which when so laid out will be deemed to have been accepted by the Town as a public way, and create new public parking facilities in conjunction with this public way, and to acquire, by purchase, gift, eminent domain or otherwise, such land or other interests in land as are necessary to complete this layout and these parking facilities, on terms acceptable to the Board of Selectmen; and
- C. To enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect the above actions;

ARTICLE 9

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to appropriate the sum of Two Million Dollars (\$2,000,000) to pay the costs of all the construction work as shown on plans entitled “Bid Package I, for the extension of Deerfield Avenue to Westwood Glen Road”, including funding of all items related to the proposed new roadway and parking facilities for the police headquarters, Town Hall, American Legion and land adjacent to the Deerfield School, including without limitation site work, paving, markings, landscaping, lighting, curbing, sidewalks, signage, traffic calming and construction of a new handicapped accessible ramp for access to the Town Hall, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow

said amount under and pursuant to Chapter 44, Section 7(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

ARTICLE 10

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Official Zoning Map, including a change in the zoning district designation for the rear portion of a split zoned parcel of land at 790 Gay Street shown on Assessor's Parcel 16 as Lot 5 from Single Residence E District to Single Residence A District so that the entire lot is within the Single Residence A zone.

ARTICLE 11

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Official Zoning Map, including a change in the zoning district designation for a parcel of land near 90 Deerfield Avenue shown on Assessor's Parcel 14 as Lot 95 from Single Residence E District to Single Residence C District.

ARTICLE 12

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)]:

- 1) Add a new Section 9.5.8.4.2 to read as follows, and renumber subsequent sections, and references to those renumbered sections, as appropriate:

9.5.8.4.1 Age-restricted dwelling for persons 55 years and older;

- 2) Revise Section 9.5.13 to read as follows:

9.5.13 Percentage of Residential Units. Pre-existing and new housing units, where permitted, shall occupy no more than 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, except that age-restricted dwelling units for persons 55-years old or older permitted within FMUOD 3 may occupy up to 100% of the total gross floor area of a project. 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.

ARTICLE 13

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] and to Section 4.1 [Principal Uses], including amendments related to solar energy facilities:

- 1) Delete the definition for the term “Commercial Scale Solar” and add a new definition for “Large Scale Solar” to read as follows:

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

- 2) Delete the definition for the term “Non-commercial Scale Solar” and add a new definition for “Small Scale Solar” to read as follows:

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

- 3) Revise Section 4.1.7.5 to read as follows:

	SRA	SR B	SR C	SR D	SR E	GR	SR	LB A	LB B	HB	I	IO	AR O
4.1.7.5 Large Scale Solar	BA	BA	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	BA

- 4) Revise Section 4.1.7.6 to read as follows:

	SRA	SR B	SR C	SR D	SR E	GR	SR	LB A	LB B	HB	I	IO	AR O
4.1.7.6 Small Scale Solar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

ARTICLE 14

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to delete Section 5.5.7 [Creation of Ways] of the Westwood Zoning Bylaw in its entirety.

ARTICLE 15

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to amend the Official Zoning Map by re-zoning the ~777 parcel of land on the border of Westwood and Dedham, known as Assessor’s Map 17, Lot 175, from an undesignated zone to HB (Highway Business).

ARTICLE 16

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to appropriate the sum of Eight Hundred and Ninety Thousand Dollars (\$890,000) and authorize the Board of Selectmen to purchase a 5+/- acre portion of land known

as Assessor's Map 21, Lot 050, also known as 248 Nahatan Street on the terms acceptable to the Board of Selectmen and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

ARTICLE 17

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to amend the Code of the Town of Westwood, Chapter 321 [Retail Stores], by striking Article 1 [Restrictions on hours of operation of retail stores] entirely and replacing it with new Article 1 [Hours of Operation], and by adding a new Article 2 [One-day Permit for Extended Hours of Operation], so that Chapter 321 reads as follows:

Chapter 321: Retail Stores

§321-1 Article 1: Hours of Operation

For the purpose of controlling and abating noise and illuminations and to protect and promote the nighttime tranquility, no person shall sell at retail, including the sale of food, shall be open for transaction of retail business, accept deliveries, or allow the removal of solid waste between the hours of 12:00 midnight and 6:00 a.m., except as expressly permitted pursuant to a one-day permit granted by the Board of Selectmen in accordance with §321-2. The term "food" as used by this bylaw shall include any article or commodity, however stored or packaged, intended for human consumption. Notwithstanding the foregoing, nothing contained within this Chapter 321 shall be deemed to prohibit or limit a retail business from conducting interior activities that are accessory to the operation of the retail business, such as cleaning, stocking, food preparation and other supporting operations between the hours of 12:00 midnight and 6:00 a.m., provided that (i) truck deliveries shall not occur during the hours of 12:00 midnight to 4:00 a.m.; (ii) during the hours of 4:00 a.m. to 6:00 a.m. truck deliveries shall be made solely to sealed loading docks, with no exterior loading or unloading permitted; and (iii) waste removal shall in all events not occur between 12:00 midnight and 6:00 a.m.

§321-2 Article 2: One-day Permit for Extended Hours of Operation

The Board of Selectmen may, at the Board's sole discretion, grant a one-day permit to allow a retail store to remain open for the transaction of retail business between the hours of 12:00 midnight and 6:00 a.m. as part of a special event. The terms and conditions of said one-day permit shall be such as the Board of Selectmen determines necessary to protect public health and safety. No retail store may be granted a permit under this provision for more than 10 days in any calendar year. The Board of Selectmen may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of one-day permits.

ARTICLE 18

The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to accept the provisions of Massachusetts General Law, Chapter 90-1, Section 1, as amended, the Complete Streets Program, to allow the Town to participate in, apply for, and receive funding pursuant to said section and Section 6121-1318, Chapter 79 of the Acts of 2014.

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 9:37 P.M

ATTEST:

A handwritten signature in black ink that reads "Dorothy A. Powers". The signature is written in a cursive, flowing style.

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk