



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

POSTING DATE: August 7, 2017
NORFOLK, SS.

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

GREETING:

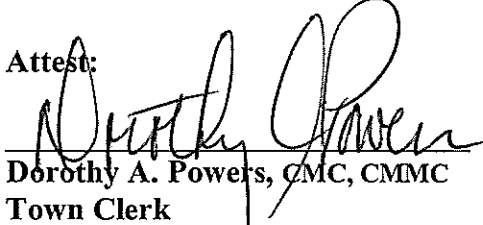
In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

These amendments were voted under **Articles 24,25,26,27,28,29,30,31,32,35,and 36** of the Warrant for the 2017 Annual Town Meeting, which meeting was held on May 1-2, 2017.

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

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

Attest:


Dorothy A. Powers, CMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendment to the Bylaws of the Town of Westwood voted under the aforementioned articles of the 2017 Annual Town Meeting on four bulletin boards erected by the town in public places in each of the four precincts of the Town.


Sgt. Paul Sicard, Constable



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

2017 AUG - 7 10 42 AM
110 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

TOWN CLERK
TOWN OF WESTWOOD

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

August 7, 2017

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

Re: Westwood Annual Town Meeting of May 1, 2017 - Case # 8321
Warrant Articles # 20, 24, 25, 26, 27, 28, 29, 30, 31, and 32 (Zoning)
Warrant Articles # 19, 35, 36, 37, 38, and 39 (General)

Dear Ms. Powers:

Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, and 36 - We approve Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, and 36, and the map pertaining to Articles 32, from the Westwood May 1, 2017, Annual Town Meeting.¹ We will send the approved map to you by regular mail.

Articles 37, 38, and 39 - We return Articles 37, 38, and 39 with no action by this Office. Articles 37, 38, and 39 are votes to accept the provisions of G.L. c. 40, § 58, to allow for municipal charges liens for failure to pay Building Division fines and fees, Board of Health and Health Division Fines and Fees, and Conservation Commission and Conservation Division fines and fees, respectively. These votes are not by-law amendments and are not subject to review and approval by the Attorney General pursuant to G.L. c. 40, 32.

The Town should discuss with Town Counsel whether these votes need to be filed with the Secretary of State or the Department of Revenue.

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

¹ In a decision issued on June 14, 2017, we approved Articles 19 and 20.

2017 AUG -7 P 1:00
Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

TOWN CLERK
TOWN OF WESTWOOD

Kelli E. Gunagan

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

cc: Town Counsel Thomas P. McCusker



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 24 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 24. The Finance and Warrant Commission recommended and the town voted by a 2/3 standing vote 148-YES 47-NO in favor declared by the Moderator, to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.5 [Accessory Apartments] to amend the limited number of special permits to be issued and in effect in Section 8.5.4 [Limited Number of Special Permits]:

- 1) Amend Section 8.5.4 [Limited Number of Special Permits] to increase the maximum number from one (1%) to two percent (2%) to read as follows:

8.5.4 Limited Number of Special Permits. The maximum number of special permits to be issued and in effect shall not exceed two percent (2%) 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.

- 2) Amend Section 2.0 [Definitions] to change the Section reference from 8.3 to 8.5 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 8.5 of this Bylaw.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Approved by the Attorney General 8/7/2017*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, Esq.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 25 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 25. 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 Section 4.1.6.8 [Self-Storage or Mini-Storage Facility] in the Table of Uses, add a new Section 7.6 [Storage Facilities Regulations], and amend the parking requirements for storage facilities in Section 6.1.6.6:

- 1) Amend Section 4.1.6.8 [Table of Principal Uses] to change the Special Permit Granting Authority from the Zoning Board of Appeals to the Planning Board, so that Section 4.1.6.8 reads as follows:

| | SRA | SRB | SRC | SRD | SRE | GR | SR | LBA | LBB | HB | I | IO | ARO |
|---|-----|-----|-----|-----|-----|----|----|-----|-----|----|----|----|-----|
| Self-Storage or Mini-Storage Facility per Section 7.6 | N | N | N | N | N | N | N | N | N | PB | PB | PB | N |

- 2) Insert a new Section 7.6 [Self-Storage or Mini-Storage Facilities] to read as follows:

SECTION 7.6 STORAGE FACILITY REGULATIONS

7.6.1 Purpose. The purpose of this section is to assure that self-storage and mini-storage facilities are appropriately sited in Highway Business and Industrial zones, while maintaining the desired character and function of the area. Storage facilities are characterized as industrial uses but have low activity levels that do not add to the vitality of a commercial area. The general and design requirements of this section are intended to allow self-storage facilities to locate where they best serve residents and businesses while not having prominent frontage on major commercial streets.

7.6.2 Special Permit Required. A self-storage or mini-storage facility shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section and Section 10.3.3 of this Bylaw [Special Permits].

7.6.3 Application Requirements. Application for a special permit for a self-storage or mini-storage facility shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the self-storage special permit, and no separate EIDR Approval shall be required. Submittal requirements shall be as required pursuant to Section 7.3.7 with the following additional requirements:

- 7.6.3.1 Parking plan shall clearly demonstrate a sufficient number of parking spaces for customers and employees, clear vehicular and pedestrian access ways, and appropriate loading and unloading areas.
- 7.6.3.2 Landscape Planting Plan, shall indicate the species and size of all existing trees, and shall clearly note which trees are proposed for removal. Trees shall be planted along all streets at intervals of approximately every thirty (30) feet.
- 7.6.3.3 Application shall include a narrative description of all proposed on-site activities and proposed hours of operation.
- 7.6.3.4 Application shall include an analysis demonstrating how the proposed project serves the needs, services or other interests of Town residents.
- 7.6.3.5 A Storage Facility Map showing all existing and/or permitted self-storage and mini-storage facilities within a one-mile radius of the project site, whether within Westwood or another community.

7.6.4 General and Design Requirements.

- 7.6.4.1 **Landscaping.** In addition to the Screening and Buffer Requirements of Section 6.3, there shall be a minimum landscape area of at least ten feet required along all street frontages with tree plantings approximately every thirty (30) feet.
- 7.6.4.2 **Siting.** No self-storage or mini-storage facility shall be located within 200 feet of the right-of-way of any of the following major roads: University Avenue, Station Drive, Blue Hill Drive, Harvard Street, Everett Street, and Providence Highway (Route 1). No such facility shall be located within one mile of another similar facility unless the Planning Board in its sole discretion grants a waiver of this requirement upon finding that there is a clear need and benefit to the Town demonstrated by a market and occupancy analysis including such other nearby facilities.
- 7.6.4.3 **Accessory Uses.** Accessory uses such as the sale or rental of moving equipment are permitted as required by Section 4.0 [Use Regulations], subject to all other necessary approvals, and shall be appropriately screened. Living quarters for one caretaker or watchmen may be permitted as an Accessory Use according to the Section 4.3.4.1 provided there are proper provisions for wastewater disposal and at least two dedicated parking spaces.
- 7.6.4.4 **Street Facades.** The design and layout of the street side of a proposed facility shall provide a varied and interesting façade. Considerations shall include the building placement, fenestration, roof design, variations in building walls, and other structural elements.
- 7.6.4.5 **Building Design.** Storage facilities are permitted only as or within multi-story structures. Buildings shall be designed and situated so that overhead doors and loading areas into such facilities are not visible from any adjacent right-of-way. All individual storage units shall be accessed from the interior of the building.

7.6.4.6 **Building Materials.** The materials for buildings shall be compatible with the desired character of the surrounding area and shall be visually pleasing.

7.6.4.7 **Building Setbacks.** The front, rear and side yard setback requirements regulated in Section 5.2 [Table of Dimensional Requirements] may be reduced by the Planning Board to allow for better design and compatibility with surrounding buildings upon a finding by the Planning Board that the proposed layout is in keeping with the purpose of this section of the bylaw.

7.6.5 Parking Requirements. Self-storage and mini-storage facilities may provide fewer parking spaces than required under Section 6.1.2 [Table of Parking Regulations], where in the determination of the Planning Board, the number and configuration of proposed parking spaces are found to be sufficient to meet the needs of the proposed development. Customer parking shall be separate from truck parking and loading and unloading space shall be clearly designated.

7.6.6 Findings. In addition to the specific decision findings outlined in Section 10.3.3 of this Bylaw, the Planning Board shall make a determination of each of the following:

- 7.6.6.1 Demonstration of need for town residents and/or businesses.
- 7.6.6.2 Facility located off a primary commercial local road to meet the purpose of this Section 7.6.1.
- 7.6.6.3 Sufficient buffering and screening from nearby uses.
- 7.6.6.4 Consistency with the purpose of this Section 7.6.
- 7.6.6.5 Degree to which the proposal serves job, service or other interests of Town residents.

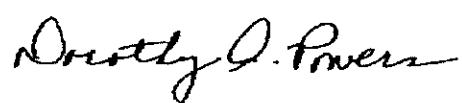
7.6.7 Conditions. In granting a special permit, the Planning Board shall impose reasonable conditions specifically designed to safeguard the surrounding proprieties and Town such as noise controls, limits on hours of operation, landscaping, and/or drainage controls.

1) Amend Section 6.1.6.6 in the parking table to read as follows:

| | |
|---|---|
| 6.1.6.6 Self-Storage or Mini-Storage Facility per Section 7.6.5 | Not less than one (1) space for each employee on the largest shift, plus one (1) space per 500 sq. ft. of sales floor area, plus two (2) spaces for any resident manager or caretaker, plus one (1) space per 50 storage units. |
|---|---|

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk
**Approved by the Attorney General 8/7/2017*



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 26 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 26. 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], Section 4.1 [Table of Principal Uses] and Section 4.3 [Table of Accessory Uses], for amendments related to solar energy facilities, large scale solar and small scale solar:

- 1) Amend Section 2.0 [Definitions] by deleting the terms "Large Scale Solar" and "Small Scale Solar" in their entirety, and by adding new definitions for "Roof-mounted Solar" and "Ground-mounted and Other Solar".

Roof-mounted Solar Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof of a principal building which do not extend or project beyond the principal building's roof and at the same pitch as the existing roof.

Ground-mounted and Other Solar Any solar arrays, facilities, or solar photovoltaic installations which do not meet the definition of "Roof-mounted Solar".

- 2) Revise Section 4.1.2 [Table of Principal Uses] to delete Section 4.1.7.5 [Large Scale Solar] and Section 4.1.7.6 [Small Scale Solar] in their entirety.
- 3) Revise Section 4.3 [Table of Accessory Uses] to add a new Section 4.3.2.6 [Roof-mounted Solar] and a new Section 4.3.2.7 [Other Solar] to read as follows:

| | SRA | SRB | SRC | SRD | SRE | GR | SR | LBA | LBB | HB | I | IO | ARO |
|---|-----|-----|-----|-----|-----|----|----|-----|-----|----|----|----|-----|
| Section 4.3.2.6 ³ Roof-mounted Solar | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Section 4.3.2.7 Ground Mounted & Other Solar ³ | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA | BA |

- 4) Add a new note 3 to Section 4.4 [NOTES FOR TABLE OF ACCESSORY USES] as follows, and renumber subsequent notes as appropriate:

³All solar arrays, facilities, and solar photovoltaic installations must comply with applicable setbacks as required by Section 5.0 [DIMENSIONAL REQUIREMENTS], 5.2 [TABLE OF DIMENSIONAL REQUIREMENTS], and 5.4 [HEIGHT REGULATIONS].

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC

Westwood Town Clerk

*Approved by the Attorney General 8/7/2017



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

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

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 27 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 27. The Finance and Warrant Commission recommended and the town voted by a 2/3 voice vote in favor declared by the Moderator, to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.1 [Earth Material Movement (EMM)] to change the type of permit from a Special Permit to an Environmental Impact and Design Review (EIDR) in Section 7.3:

- 1) Amend Section 7.1.1 by deleting "Special Permit" and replacing with "Environmental Impact and Design Review (EIDR)" so that Section 7.1.1 reads as follows:
 - 7.1.1 **Environmental Impact and Design Review (EIDR) 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 **an EIDR Approval** therefor granted by the Planning Board.
- 2) Add a new Section 7.1.2 as follows, and renumber subsequent sections as appropriate.
 - 7.1.2 **Purpose.** To protect the safety, health and wellbeing of the citizens and property of the Town by regulating the transportation of earth material to and from a property. The intent is to eliminate or minimize harmful impacts to the public ways associated with the movement of earth.
- 3) Amend Section 7.1.3 by deleting "Special Permit" as follows:
 - 7.1.3 **Decision.** An EMM **EIDR Approval** shall be granted by the Planning Board only upon its written determination that operations conducted under such **EIDR Approval**, 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 EIDR Approval** for the movement of earth material (including temporary structures accessory thereto), shall be granted if the Board finds that operations conducted thereunder would:
- 4) Amend Section 7.1.4 as follows:
 - 7.1.4 **Conditions.** In granting **an EIDR Approval** hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

5) Amend Section 7.1.5 as follows:

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 **EIDR Approval** 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.

6) Amend Section 7.1.7 to read as follows:

7.1.7 **Time Limit.** No **EIDR Approval** for the export, import and/or regrading of earth material shall be granted for a period of more than **two (2) years** in a Residential District or more than three (3) years in a Nonresidential District, although the **EIDR Approval** may be renewed for additional periods in the same manner as for the initial issuance.

7) Amend Section 7.1.8 to read as follows:

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 EIDR Approval**:

8) Amend Section 7.1.9 to read as follows:

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 EIDR Approval** shall be required pursuant to this Section.

9) Add a new Section 7.3.2.6 to read as follows:

7.3.2.6 Exporting, importing or regrading on premises subject to Earth Material Movement (EMM), pursuant to Section 7.1 of this bylaw.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:



Dorothy A. Powers, CMC, CMMC

Westwood Town Clerk

*Approved by the Attorney General 8/7/2017



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

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

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 28 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 28. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote declared by the Moderator, to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.4 [Exterior Lighting] to clarify the height limit for wall mounted fixtures for nonresidential properties, limit the hours for exterior lighting at nonresidential properties, and identify security and non-security lighting on the exterior lighting plan:

Add a new Section 6.4.4.6 to read as follows:

6.4.4.6 identification of any security lighting to remain illuminated outside of operating hours and identification of any non-security lighting to be turned off no later than one (1) hour after close of business.

1) Amend Section 6.4.6 to read as follows:

6.4.6 **Wall Mounted Fixtures.** *For all uses other than single and two-family dwellings*, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above ***the ground directly below the luminaire*** and shall be shielded to control glare.

2) Add a new Section 6.4.12 as follows:

6.4.12 **Hours.** All exterior lighting, including fixtures located on walls, light poles, and canopies, with the exception of security lighting, shall be turned off within one (1) hour after the close of business. This limitation shall only apply to commercial and institutional properties and not residential properties.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

* Approved by the Attorney General 8/7/2017



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, Esq. Esq.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 29 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 29. 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 zoning amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures]:

- 1) Delete Section 4.5 in its entirety and replace with a new Section 4.5 to read as follows:

4.5 NONCONFORMING USES AND STRUCTURES

4.5.1 Applicability. Nonconforming uses and structures, as defined in Section 2.0 of this Bylaw, may continue. Any alteration of a nonconforming use, or any alteration of a nonconforming structure, shall require authorization in accordance with this section. An alteration of a structure is a modification, structural change, extension, or reconstruction of the structure.

4.5.2 Nonconforming Uses.

4.5.2.1 Permitted Alterations of Nonconforming Uses. A structure that conforms dimensionally to current zoning regulations while its use no longer conforms, can be altered without needing a special permit if the Building Commissioner determines that the proposed alteration falls under any of the following circumstances:

4.5.2.1.1 There is no extension or expansion of the exterior of the structure.

4.5.2.1.2 There is no interior expansion that would intensify the use.

4.5.2.1.3 The alteration is made for the purposes of conforming to the building code for health and safety purposes.

4.5.2.2 Special Permit Required for Alteration to Nonconforming Use. The Board of Appeals may grant a special permit to modify, alter or extend a nonconforming use in accordance with this Section only if it determines that such modification, alteration or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and the town. To be considered insubstantial, the Board

must find that the proposed use reflects the nature and purpose of the prior use, there is no difference in the quality, character or degree of the proposed use, and the proposed use is not different in its effect on the neighborhood.

4.5.3 Nonconforming Structures.

4.5.3.1 **Permitted Alterations of Nonconforming Single and Two-Family Residential Structures.** Nonconforming single and two-family residential structures may be altered upon a determination by the Building Commissioner that such proposed alteration does not increase the nonconforming nature of said structure. The following circumstances shall be deemed not to increase the nonconforming nature of said structure and may be permitted as of right:

- 4.5.3.1.1 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot area, where the alteration will still comply with all such current requirements.
- 4.5.3.1.2 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot frontage, where the alteration will still comply with all such current requirements.
- 4.5.3.1.3 Alteration to a structure which violates one (1) or more required setbacks, where the alteration will now comply with all current setback, yard, building coverage and building height requirements regardless of whether the lot complies with current lot area and lot frontage requirements.
- 4.5.3.1.4 Alteration to a side or face of a structure which violates a required setback, where the alteration will not-increase the setback violation, and will comply with building height restrictions regardless of whether the lot complies with current lot area and lot frontage requirements.
- 4.5.3.1.5 Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions of Section 5.0 of this bylaw shall not be exceeded.

4.5.3.2 **Special Permit Alterations of Nonconforming Structures.** In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure does not meet the requirements of Section 4.5.3.1, the Board of Appeals may grant a special permit to make alterations to a nonconforming structure in accordance with this Section only if it determines that such alteration does not substantially increase the nonconforming nature of said structure and would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of alterations to nonconforming

structures may be considered for a special permit by the Board of Appeals:

- 4.5.3.2.1 Horizontal extension of an exterior wall at or along the same nonconforming distance within a required setback as the existing wall, provided that existing height restrictions shall not be exceeded, regardless of whether the lot complies with current lot area and lot frontage requirements.
- 4.5.3.2.2 Vertical extension of an existing exterior wall at or along the same or greater distance from a lot line, provided that the structure has a building height of no more than twenty-five (25) feet, if constructed on a lot that does not comply with current lot area and/or lot frontage requirements, or a building height no greater than permitted by this Bylaw if constructed on a lot that complies with current lot area and/or lot frontage requirements.
- 4.5.3.2.3 Construction of an overhang, porch, portico, or similar decorative feature, which extends no further than four (4) additional feet into a required setback area, provided that the Board of Appeals makes a positive finding that the proposed design element is de minimis in nature and improves the aesthetic quality of the property.

4.5.3.3 **Variance Required for New or Expansion of Nonconformity.** In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure increases the nonconformity or results in a new nonconformity and does not meet the requirements of Section 4.5.3.1 nor of Section 4.5.3.2, a variance is required in accordance with Section 10.4 of this Bylaw. If the nonconforming nature of a structure would be increased by the proposed alteration, a variance from Board of Appeals shall be required to allow such alteration. In addition, no nonconforming structure, commercial or residential, shall be altered to accommodate a substantially different use, or to accommodate the same use in a substantially different manner or to a substantially greater extent, unless a variance allowing said alteration is granted by the Board of Appeals.

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

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

4.5.3.4.2 The building as reconstructed:

4.5.3.4.2.1 Shall be located on the same footprint as the

original structure, and shall only be as great in volume or area as the original nonconforming structure; or

4.5.3.4.2.2 Shall comply with all current setbacks, and building coverage and height requirements, except that if the lot does not comply with lot, area and frontage requirements, it must comply with a building height limit of twenty-five (25) feet.

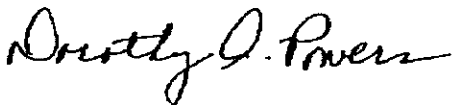
4.5.3.4.3 In the event that the proposed reconstruction does not meet the provisions of Section 4.5.3.4.2, a special permit pursuant to Section 4.5.3.2, or a variance pursuant Section 4.5.3.3, as applicable, shall be required from the Board of Appeals for such reconstruction.

4.5.4 **Abandonment or Non-use.** A nonconforming use or nonconforming structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Bylaw.

4.5.5 **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

** approved by the Attorney General 8/7/2017*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 30 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 30. 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 zoning amendments to the Westwood Zoning Bylaw related to Section 5.5.5 [Corner Clearance], to prohibit fences from being located within a certain distance from intersections:

1) Amend Section 5.5.5 to read as follows:

5.5.5 **Corner Clearance.** On any corner lot, no building, structure, fence, wall, landscaping, or any other similar obstruction greater than three (3) feet above the road surface shall be located within the sight distance triangle. The sight distance triangle is the area formed by the point of intersection of the tangents of the curb lines or the tangents of the edge of pavement lines of the intersecting streets and the two points along those tangents that are a distance from that intersection point of twenty-five (25) feet. Said triangular area shall remain clear as to not interfere with traffic visibility around the corner.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

** Approved by the Attorney General 8/7/2017*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 31 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 31. 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 zoning amendments to the Westwood Zoning Bylaw related to Section 10.1.6 [Penalty for Noncriminal Complaint] to increase the penalty for a violation from \$100.00 to up to \$300.00 for each offense.

1) Amend Section 10.1.6 to read as follows:

Penalty for Noncriminal Complaint. In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be **up to three** hundred dollars (**\$300.00**) for each offense **and the specific amount shall be in accordance with the Building Commissioner's adopted guidelines** each day that such violation continues shall constitute and be considered a separate offense.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Approved by the Attorney General 8/7/2017*



**TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS**

OFFICE OF THE TOWN CLERK

**Dorothy A. Powers, ,CMC,CMMC
Town Clerk
Justice of the Peace
Notary Public**

To Whom It May Concern:

I hereby certify the following action taken under Article 32 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 32. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote declared by the Moderator to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct any errors or inconsistencies, including without limitation the correction of one or more erroneous section references, update the footnotes in Section 4.1 [Table of Principal Uses], and update the Official Zoning Map to remove an area depicted as a road without a zoning designation as follows:

- 1) Renumber and reorder the notes in Section 4.2 [NOTES TO TABLE OF PRINCIPAL USES] to correspond to the correct use in the table.

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- ¹ Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- ² Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.
- ³ Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- ⁴ For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses
- ⁵ Except for a retail grocery store which may exceed 10,000 square feet.
- ⁶ Retail sales and services in the Industrial and Industrial-Office Districts between 15,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- ⁷ In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- ⁸ A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.

9 Does not include wireless communications facilities.

- 2) Replace the number 15,000 in the below note with the number 10,000 so that the note is consistent with the table and reads as follows.

Retail sales and services in the Industrial and Industrial-Office Districts between 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.

- 3) Amend the Official Zoning Map to correct the portion of a lot depicted as a road without a zoning designation on the lot at 120 Birch Tree Drive (Assessor's Map 09, Lot 158) be amended so the lot is fully in the SRC (Single-Family Residence) zoning district, as shown on the revised Official Zoning Map dated May, 2017.

- 4) Amend Section 8.5.10 [Expiration of Special Permit] to change the Section reference from 8.6.5.4 to 8.5.5.4 to read as follows:

8.5.10 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 8.5.5.4 shall be grounds for automatic expiration.

- 5) Amend Section 4.3.3.12 to change the Section reference from 8.6 to 8.5 to read as follows:

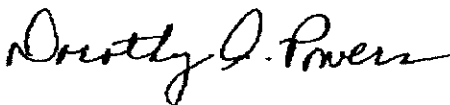
4.3.3.12 Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, subject to the conditions in Section 8.5.

- 6) Amend Section 8.1.2 [Special Permit Required] to change the Section reference from 8.6 to 8.5 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 8.5 of this Bylaw.

Witness my hand and seal of the Town of Westwood this 7th day of August 7, 2017

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

** Approved by Attorney General 8/7/2017*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, Esq. Esq.

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 35 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 35. 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 Town of Westwood bylaws by inserting a new Chapter V "Fire Chief" as follows:

§80-27. *Duties of the Fire Chief.* There shall be a fire department to be under the control of an officer to be known as the Chief of the fire department. S/he shall have charge of extinguishing fires in the town and the protection of life and property in case of fire, medical emergency, or any hazard. S/he shall also act as Forest Warden for the Town. S/he shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. S/he shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided. Officers and firefighters shall be appointed in accordance with the town charter. The Chief shall have authority in the administration of the department and shall make all rules and regulations for its operation, all in accordance with the terms of the charter. S/he shall report to the Town Administrator and shall annually report to the Town the condition of the department with his/her recommendation thereon. In the expenditure of money, the chief shall be subject to such further limitations as the Board of Selectmen and Town Administrator from time to time prescribe.

§80-28. *Qualifications of Fire Chief.* The Personnel Board shall draft, and may from time to time amend, a set of qualifications for the selection of a Fire Chief, one of which shall be at least seven years of fire and emergency medical response experience, except that each year of supervisory experience in the rank of Lieutenant or higher shall count for two year.

§80-29. *Notice of availability of the position.* Prior to making an appointment, the Selectmen shall cause notice of availability of the position to be posted in places in the Town where notices to employees are generally posted, including within the Fire Department, and to be advertised in a newspaper of general circulation in the Town and in such other media as can be reasonably expected to give notice to qualified applicants.

§80-30. *Appointments.* The appointment shall be made by the Board of Selectmen for a term of not fewer than three (3) no more than five (5) years.

§80-31. *Discharge, removal, suspension, lowering of rank or compensation, abolishment of the position.* Without his/her consent in writing, the Fire Chief shall not be discharged, removed, suspended for a period exceeding five days, lowered in rank or compensation, nor shall the position be abolished except for just cause and for reasons specifically given to him/her in writing by the

Board of Selectmen. At least three days after the Selectmen have given the Fire Chief a written statement of the specific reasons for contemplated action, the Fire Chief shall be given full hearing before them or a Hearing Officer appointed by the Selectmen for the purpose. Within ten days after the hearing, the Fire Chief shall be given a written notice of the decision of the Board of Selectmen stating fully and specifically the reasons therefore.

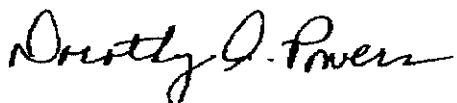
- (a) *Suspension.* A suspension of the Fire Chief for a period not exceeding five days may be made by the Board of Selectmen, only for just cause. Within twenty-four hours of his/her suspension, the Fire Chief shall be given written notice stating the specific reasons for the suspension and informing him/her that s/he may, within forty-eight hours of receipt of written notice, request a hearing before the Board of Selectmen on the question of whether there was just cause for the suspension. Such a hearing will be held within seven days of receipt of written notice by the Fire Chief. Within seven days after the hearing, the Board of Selectmen shall give the Fire Chief written notice of its decision. By majority vote, the Board of Selectmen may find that the suspension was for just cause, or may reduce the number of days of the suspension, or may find that it was without just cause. If this suspension is found to be without just cause, the Fire Chief shall be deemed not to have been suspended and shall be entitled to compensation for the period for which s/he was suspended. If the number of days of the suspension is reduced by the full Board after the hearing, the Fire Chief shall receive compensation based on the number of days restored.
- (b) *Public Hearing.* Any hearing under this section shall be public, if requested in writing by the Fire Chief, and s/he shall be allowed to answer the charges against him/her either personally or through counsel.
- (c) *Right to arbitration.* Should the Fire Chief be aggrieved by a decision by the Board of Selectmen s/he may, within thirty days following the receipt of such decision, file a written notice of demand for arbitration with the Board of Selectmen and the American Arbitration Association. Within thirty days of receipt of such notice of demand, the Board of Selectmen shall file with the American Arbitration Association a complete copy of all proceedings before them, certified by the Clerk of the Board, and the Board may file any other supplementary documents or statements as may pertain to such matter. The matter shall then be settled by arbitration in the Town of Westwood or within Norfolk County, in accordance with the rules then existing of the American Arbitration Association. Such arbitration shall take place as soon as reasonably possible thereafter. In no event shall such arbitration take place after the date when institution of legal or equitable proceedings based on such aggrieved decision would be barred by applicable statute of limitation.
- (d) *Judgment on arbitration.* The decision rendered by the arbitrator shall be final and the judgment then be entered upon in accordance with applicable laws in any court having jurisdiction thereof. In rendering his/her decision, the arbitrator shall consider whether the Board of Selectmen's decision is:
- In violation of constitutional provisions
 - In excess of the authority of the Board of Selectmen
 - Based upon an error of fact or law
 - Made upon unlawful procedure
 - Unsupported by substantial evidence
 - Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law

If the arbitrator finds that the decision by the Board of Selectmen should be reversed, the Fire Chief shall be reinstated to his/her position without loss of compensation. The decision of the arbitrator shall be final and conclusive.

(e) *Delivery of Notice.* Any notice required under this section may be delivered by hand to the address shown in the records of the Town. A certificate of the person mailing the notice shall be proof of giving the notice.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:



Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Approved by Attorney General 8/7/2017*

**Pending approval by the Attorney General*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 36 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 36. 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 1 General Provisions, Section, 1-6 Non-Criminal Disposition of bylaw violations by adding the following:

- C. Any violation issued shall include a due date for payment. Any payment received after said date shall accrue a rate of interest to be established at a rate equal to, or such other rate established by the Board of Selectmen no more than, the interest charged on tax bills under the provision of MGL Chapter 59, Section 57.

Witness my hand and seal of the Town of Westwood this 7th day of August, 2017

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Approved by Attorney General 8/7/2017*