



**TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS**

**OFFICE OF THE TOWN CLERK
Dorothy A. Powers, MMC, CMMC**

A TRUE COPY ATTEST:

Dorothy A. Powers
Town Clerk
Westwood, Massachusetts

NOTICE TO WESTWOOD RESIDENTS

This will serve to notify Town residents that because of a procedural defect in the adoption of Articles 10, 11, and 12 the Attorney General has elected to proceed under the authority conferred by G.L.c.40, §32, as amended by Chapter 299 of the Acts of 2000, and place these articles on "hold".

Respectfully Yours,

Dorothy A. Powers

**Dorothy A. Powers, MMC, CMMC
Town Clerk**

Posted by Constable

Paul A. Sicard
Sgt. Paul Sicard

Date: June 20, 2018

A TRUE COPY ATTEST:

Anthony A. Powers

Town Clerk

Form 299

Westwood, Massachusetts Date: May 23, 2018

Attorney General's Notice

Pursuant to G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000

Town of Westwood -- Case No. 8691
Fall Annual Town Meeting of November 13, 2017
Articles # 10, 11, and 12

MAY 23 2018

TOWN CLERK
TOWN OF WESTWOOD

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40, § 32. Under those provisions, the Attorney General is conditionally authorized to waive any such defect.

Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that the planning board hearing notice relating to Articles 10, 11 and 12 failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added)

No zoning by-law or amendment thereto shall be adopted until after the planning board in a town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard... Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town...In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought.

Based on the materials submitted to this Office, we have identified the following defects: the notice of the planning board hearing of November 7, 2017 was not published for two successive weeks; posted at least fourteen days prior to the hearing; and mailed to the Department of Housing and Community Development, the Regional Planning Agency, and to the Planning Boards of each abutting city or town, all as required by G.L. c. 40A, § 5.

Attorney General's Election to Proceed Under the Waiver Provisions of G.L. c. 40, § 32

The Attorney General has elected to proceed under the limited defect waiver authority conferred by

G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000.

Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000.

Posting and Publication of This Notice

The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Westwood Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Westwood.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Westwood, any resident of the Town of Westwood, or the owner of any real property in the Town of Westwood, or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice

After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with a certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21-day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review

Upon receipt of one original copy of this Notice with the Clerk's certification, the 90-day period provided for the Attorney General's review under G.L. c. 40, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect; if any claim is made, however, the Attorney General may not waive any such defect.

Note: By not filing a claim under this provision, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40, § 32, and in G.L. c. 40A, § 5.

Date: May 23, 2018

A TRUE COPY ATTEST:



Town Clerk
Westwood, Massachusetts

A TRUE COPY ATTEST:

Anthony A. Powers

Town Clerk
Westwood, Massachusetts

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4402

cc: Town Counsel Thomas P. McCusker



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK A TRUE COPY ATTEST:

Dorothy A. Powers, C.M.C. C.M.M.C.
Town Clerk
Justice of the Peace
Notary Public

Dorothy A. Powers
Town Clerk
Westwood, Massachusetts

To Whom It May Concern:

I hereby certify the following action taken under Article 10 of the Warrant for the Fall Town Meeting held on November 13, 2017

Annual Town Meeting, Article 10. The Finance and Warrant Commission recommended and the town voted by a 2/3 vote in favor, 101-YES, 36-NO, declared by the Moderator, to approve certain amendments to the Westwood Zoning Bylaw related to permitting cafeterias, snack bars, gift shops and vending machines as accessory uses in the HB (Highway Business) zoning district by amending Section 4 3.1 [Table of Accessory Uses]. Amend Section 4 3.5 to read as follows:

4.3.5 ACCESSORY USES IN INDUSTRIAL, HIGHWAY BUSINESS AND ARO DISTRICTS

Table with columns: ACCESSORY USE, DISTRICTS (SRA, SRB, SRC, SRD, SRE, GR, SR, LBA, LBB, HB, I, IO, ARO). Row 1: 4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines... N, N, N, N, N, N, N, N, N, N, Y, Y, Y, BA

Witness my hand and seal of the Town of Westwood this 20th day of June, 2018.

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

**Pending approval by the Attorney General



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

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

Town Clerk
Justice of the Peace
Notary Public

Dorothy A. Powers
Town Clerk
Westwood, Massachusetts

To Whom It May Concern:

I hereby certify the following action taken under Article 11 of the Warrant for the Fall Town Meeting held on November 13, 2017

Annual Town Meeting, Article 11. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to various medical uses by amending Section 2.0 [Definitions] and Section 4.1.2 [Table of Principal Uses]:

- 9) Revise definitions in Section 2.0 [Definitions] for "Medical Center or Clinic" and "Office of Health Care Professional" to read as follows:

Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients that is not a Hospital or Substance Rehabilitation or Treatment Facility.

Office of Health Care Professional An office for a medical doctor, dentist, psychologist, chiropractor, acupuncturist, or similar physical or mental health care professional, including clinical and laboratory analysis activities directly associated with such medical office use, but excluding offices within Medical Centers or Clinics, Hospitals, or Substance Rehabilitation or Treatment Facilities.

- 9) Add new definitions to Section 2.0 [Definitions] for "Hospital" and "Substance Rehabilitation or Treatment Facility" as follows:

Hospital A building designed and used for the diagnosis and treatment of human patients that includes overnight care facilities.

Substance Rehabilitation or Treatment Facility A building designed and used for the diagnosis and treatment of human patients for substance rehabilitation and/or treatment facilities.

- 9) Amend Section 4.1.5 [Table of Principal Uses - Commercial Uses] by revising new definitions to Section 2.0 [Definitions] for "Hospital" and "Substance Rehabilitation or Treatment Facility" changing the title of Section 4.1.5.22 from "Office of a doctor or dentist not a resident on premises" to "Office of Health Care Professional", and by adding new Section 4.1.5.23 "Medical Center or Clinic", new Section 4.1.5.24 "Hospital", and new Section 4.1.5.25 "Substance Rehabilitation Facility" as follows, and renumber subsequent sections as appropriate:

Dorothy A. Powers
 Town Clerk

Westwood, Massachusetts

4.1.5 COMMERCIAL USES

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.22 Office of Health Care Professional	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.23 Medical Center or Clinic	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
4.1.5.24 Hospital	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.5.25 Substance Rehabilitation or Treatment Facility	N	N	N	N	N	N	N	N	N	N	N	N	BA

4) Amend Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD] by revising new definitions to Section 2.0 [Definitions] for "Office of Health Care Professional" from "Office of a doctor or dentist" as follows:

9.5.8.1.9 Office of Health Care Professional;

Witness my hand and seal of the Town of Westwood this 20th day of June, 2018.

Attest:

Dorothy A. Powers

**Dorothy A. Powers, CMC, CMMC
 Westwood Town Clerk**

****Pending approval by the Attorney General**



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

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Dorothy A. Powers
Town Clerk
Westwood, Massachusetts

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 12 of the Warrant for the Fall Town Meeting held on November 13, 2017

Annual Town Meeting, Article 12:The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections.

- 1) Add "Access Approval Overlay District (AAOD)" to the list of overlay districts in Section 3.1.3 [Overlay Districts]
- 2) Amend Alternative Dimensions Table 9.5.9 to change the Section reference from 9.5.14.2.4.3 to read as follows:

Minimum Public Amenity Areas or other public amenities required under Section 9.5.15.2.4.3
- 3) Delete the words "Section 8.4, Senior Residential Development (SRD)" in the second paragraph under Section 9.7.12.5 [Relationship to Underlying Districts and Regulations].
- 4) Amend the second paragraph in Section 9.7.12.5 [Relationship to Underlying District Regulations] to correct the Section reference referring to Section 8.5, Residential Retirement Community (RRC) to Section 8.4.

Witness my hand and seal of the Town of Westwood this 20th day of June, 2018.

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk

****Pending approval by the Attorney General**