

**Westwood Planning Board
Meeting Minutes
March 18, 2014
50 Carby Street
7:30 PM**

Attendance & Call to Order:

Ch. Montgomery called the meeting to order at 7:31 p.m. and asked if anyone present wished to record the meeting. *(No requests.)*

Present: other Planning Board members: Jack Wiggin, Steve Olanoff and Chris Pfaff. (Steve Rafsky was absent.) Also present: Town Planner Nora Loughnane, and Planning & Land Use Specialist Janice Barba, who recorded the minutes.

Consideration of Proposed ANR Plan for 77 Deerfield Avenue

Presentation

Engineer Dan Merriken representing the applicant for 77 Deerfield Avenue presented ANR Plan for the Board's consideration. He explained that this plan would create a new house lot from the St. John's Episcopal Church parcel on Deerfield Avenue. The house lot will consist of the portion of the larger parcel that is zoned SRC, while the remaining church lot will include all of the land that is zoned SRE.

Board Discussion/Comments & Questions:

None.

Public Comments:

None.

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin the board voted unanimously in favor to endorse the ANR plan.

Consideration of University Station Operations & Maintenance Plan and Construction Management Plan

Presentation

Ms. Loughnane informed that the Planning Board received final copies of the University Station Operations & Maintenance Plan and Construction Management Plan via email yesterday. These documents have undergone exhaustive review by various town boards, staff members and consultants.

Board Discussion/Comments & Questions:

- Ch. Montgomery reiterated that these documents have been fully vetted and recommended that the board accept and approve these documents as presented.

Public Comments:

None.

Motion/Action Taken:

Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff the board voted unanimously in favor with one abstention, to accept and approve the University Station Operations & Maintenance Plan and Construction Management Plan.

Consideration of University Station Core Retail Parking Lot Landscape Plans

Presentation

Paul Cincotta of New England Development and other representatives presented the final construction plans for the Core Retail Area Parking Lot. The plans presented tonight depict construction level plans, as requested by the Board, showing the precise locations of landscape

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median islands and the locations, sizes and species of plant materials. Mr. Cincotta said that JP Shadley and Don Leighton will discuss options for increasing the number and size of median islands within the Core Retail Area Parking Lot, and growing conditions for proposed plantings to best ensure the health and viability of these plants at maturity.

Mr. Shadley presented drawings depicting the final layout and landscaping designs.

- Due to the lack of regular irrigation, smaller caliper and fewer trees will be planted in much deeper soil than industry standards in order to provide ten enhanced plantings. The width of the islands remain the same, 10 feet wide, as shown in the Master Plan; only the depth of the soil will be increased.
- There will be an increase in the amount of trees and native species plantings along the road, meadow and entry parkway.

Don Leighton commented that he favors the proposed planting conditions as explained by JP Shadley and is satisfied with this landscaping design and final layout.

Board Discussion/Comments & Questions:

- Will the parking lot aisles line up with the retailer's doors as shown in the Master Plan? (Yes, the layout remains the same.)
- What will be planted around parking lot lights? (Small shrubs.)
- What size caliper tree will be planted? (2.5-3" caliper)
- Will these trees thrive? (In the third growing season, it is expected that the trees will be growing well.)
- Why is irrigation for these plantings excluded? (With the water budget strategy to have a net positive, no irrigation wells are allowed near the Water Resource Protection District.)

Public Comments:

None.

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Wiggin, the board voted unanimously in favor, with one abstention, to accept the University Station Core Retail Parking Lot Landscape Plans as presented.

Consideration of University Station Building Roof Color Selection

Presentation

Ms. Loughnane explained that at time of issuance of a Conformance Determination in April 2013, the question of building roof color remained unanswered. Some of the building owners and tenants expressed a preference for white roof membranes, while others planned to use black roof membranes. Board members asked for consistency within the project and the Proponents agreed to return to the Planning Board for further guidance at the construction drawing stage.

At this time with Building permit applications now being submitted, Hanover, Target and Life Time Fitness all wish to construct their buildings with white roofs, and feel strongly that white roofs are necessary to meet their energy efficiency needs. Wegmans and the balance of the Core Retail Area buildings have been proposed with black roofs. Wegmans is insistent that a black roof is necessary for energy efficiency in its building.

Mr. Cincotta explained that with regard to black roofs, the heat island effect either doesn't apply or is negligible. As far as a white roof, there is not a drastic difference in energy efficiency in this area of the country. The Board was shown photographs of the rooftops of the existing buildings on

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University Avenue as well as drawings of the proposed buildings with white (grey) and black (charcoal) roofs.

Don Leighton stated that he prefers a black roof as white roofs catch one's eye as opposed to the landscaping catching one's eye.

Merrick Turner commented that the most important issue with the roofs whether black or white is that they meet Stretch Code compliance.

Board Discussion/Comments & Questions:

- No abutting residence looks down onto roofs of buildings on University Avenue.
- The proposed roof colors are consistent with the other roofs already in the neighborhood – a mix of black and white/grey.

Public Comments:

None.

Motion/Action Taken:

Upon a motion by Mr. Wiggin and seconded by Mr. Olanoff the board voted unanimously in favor with one abstention, to accept and approve the University Station Building Roof Color Selection.

**Other University Station Business
Wegmans Design Comments**

KAO Design Group's Mike Sinesi was present and gave a brief commentary of Wegmans exterior.

- Wegmans does not have a prototypical building; it designs buildings from the inside out.
- More contrast in design was suggested, including continuing the stone feature on the entrance exterior.

Board Discussion/Comments & Questions:

- A board member complimented Mr. Sinesi and expressed satisfaction with his work on the project.
- The Tower on the Wegmans building no longer has as many windows as it did in the earlier plans. Mr. Sinesi agreed with this and that he had made the same point to New England Development.

Photometric Plan

Mr. Cincotta reported that the photometric plans for the parking lots will be presented to the Board in the near future.

Hanover Residences

The land has been closed on with Hanover Company and the pad is ready for delivery.

Life Time Fitness

Construction is expected to begin around Memorial Day and will be complete by late summer 2015.

This concluded this portion of the meeting.

Public Hearing to Consider Amendments to the Town of Westwood Zoning Bylaws for Recommendation to Annual Town Meeting

Ch. Montgomery read the legal notice to officially open the public hearing at approximately 9:05

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p.m.

BoS Article 10: To see if the Town will vote to approve certain amendments to the Town of Westwood Official Zoning Map, or take any other action in relation thereto.

PB Article 1: 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 the establishment of one or more additional FMUOD districts, and to approve certain amendments to Section 4.1.5 [Table of Principal Uses - Commercial Uses] and Section 4.2 [Notes for Table of Principal Uses] or take any other action in relation thereto.

PB Article 2: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.6 [Mixed Use Overlay Districts (MUOD)], including the deletion of Section 9.6 in its entirety, and the deletion of all references to Section 9.6 or to any MUOD districts, within the Zoning Bylaw and/or the Official Zoning Map, or take any other action in relation thereto.

PB Article 3: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Medicinal Marijuana Use, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.2 [Notes for Table of Principal Uses], and Section 4.6 [Interim Regulations for Medicinal Marijuana Use], or take any other action in relation thereto.

PB Article 4: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to restaurants, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], Section 4.2 [Notes for Table of Principal Uses], and Section 4.3 [Accessory Uses], or take any other action in relation thereto.

PB Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], to add, delete, or amend various definitions, or take any other action in relation thereto.

PB Article 6: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.5 [Non-conforming Uses and Structures], or take any other action in relation thereto.

PB Article 7: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 5.0 [Dimensional Requirements], including amendments to the Table of Dimensional Requirements, or take any other action in relation thereto.

PB Article 8: 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, or take any other action in relation thereto.

PB Article 10: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.2 [Signs], or take any other action in relation thereto.

Presentation

Ms. Loughnane distributed this updated version of the proposed zoning amendment articles which was reviewed by the board.

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WESTWOOD PLANNING BOARD
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**



The WESTWOOD PLANNING BOARD will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on Tuesday, March 18, 2014, at 7:30 PM in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map:

~~**Board of Selectmen Article—DELETED**~~

~~**Article 10:** To see if the Town will vote to approve certain amendments to the Town of Westwood Official Zoning Map, or take any other action in relation thereto:~~

- ~~1) Change the designation of a parcel, known as Assessor's Plat 21, Lot 43, from Single-family Residential C (SRC) District to Local Business A (LBA) District, or take any other action in relation thereto.~~
- ~~2) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, May 5, 2014".~~

Planning Board Articles

Article 1: 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 the establishment of one or more additional FMUOD districts, and to approve certain amendments to Section 4.1.5 [Table of Principal Uses - Commercial Uses] and Section 4.2 [Notes for Table of Principal Uses] or take any other action in relation thereto:

- 1) Replace the existing Section 9.5.2 with a new Section 9.5.2 to read as follows:

9.5.2 **Location.** Seven distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, and FMUOD 7 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

- 9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.
- 9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.
- 9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.

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- 9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.
- 9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.
- 9.5.2.6 **FMUOD 6: Washington Street Business District.** FMUOD 6 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 6, including properties along Washington Street within the Local Business B District, between Fairview Street and Everett Street.
- 9.5.2.7 **FMUOD 7: High Street Business District.** FMUOD 7 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 7, including properties along High Street within the Local Business A District, between Windsor Road and High Rock Street.

2) Replace the existing Section 9.5.7 with a new Section 9.5.7 to read as follows:

- 9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, or FMUOD 7, whether held in common or separate ownership.

3) Replace the existing Section 9.5.8 with a new Section 9.5.8 to read as follows:

- 9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.

9.5.8.1 **Uses Permitted by FMUOD Special Permit in any FMUOD:**

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Ice cream shop;
- 9.5.8.1.8 Municipal use;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.14 Retail sales and services establishment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Shuttle service system.

9.5.8.2 **Additional Uses Permitted by FMUOD Special Permit in FMUOD1:**

- 9.5.8.2.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building

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or a drive-thru;

- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Research and development facility;
- 9.5.8.2.7 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.8 Retail sales and services establishment, 10,000 sq. ft. or more.

9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:

- 9.5.8.3.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.3.2 Hotel.
- 9.5.8.3.3 Research and development facility;

9.5.8.4 Additional Uses Permitted by FMUOD Special Permit in FMUOD3:

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;;
- 9.5.8.4.3 Multi-family dwelling.
- 9.5.8.4.4 Research and development facility;

9.5.8.5 Additional Uses Permitted by FMUOD Special Permit in FMUOD4:

- 9.5.8.5.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.5.2 Research and development facility;

9.5.8.6 Additional Uses Permitted by FMUOD Special Permit in FMUOD5:

- 9.5.8.6.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.6.2 Research and development facility;

DELETED

~~9.5.8.7 Additional Uses Permitted by FMUOD Special Permit in FMUOD6:~~

- ~~9.5.8.7.1 Upper Story Residential Use;~~

~~9.5.8.8 Additional Uses Permitted by FMUOD Special Permit in FMUOD7:~~

- ~~9.5.8.8.1 Upper Story Residential Use;~~

9.5.8.7 Accessory Uses Permitted by FMUOD Special Permit in all FMUOD districts: Any use accessory to a use permitted by FMUOD Special Permit may be permitted pursuant to that same permit, irrespective of

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whether such use is located on the same lot as the principal use, provided that the principal use to which such use is accessory shall be clearly identified, and further provided that such accessory use shall be specifically reviewed and approved by the Planning Board in the FMUOD Special Permit.

4) Replace the existing Section 9.5.9 with a new Section 9.5.9 to read as follows:

9.5.9 **Alternative Dimensions.** The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirements, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

¹ Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>	<u>FMUOD 6</u>	<u>FMUOD 7</u>
9.5.9.1	Minimum Project Area	10 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet ¹	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 ²	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2	100 feet	20 feet	50 feet	50 feet	50 feet	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

seventy-eight and one-half (178.5) feet above sea level.

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² Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum floor area ratio of no more than 1.2.

5) Replace the existing Section 9.5.11.2 with a new Section 9.5.11.2 to read as follows:

9.5.11.2 **Development Identification Sign.** Where appropriate, a project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2) faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height, or such lesser amount as determined by the Planning Board to be appropriate for a particular application. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

6) Replace the existing Section 9.5.11.5 with a new Section 9.5.11.5 to read as follows:

9.5.11.5 **Way Finding Signs.** Where determined by the Planning Board to be appropriate in light of the size and scale of a project, way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

7) Delete Sections 9.5.11.8, 9.5.11.9 and 9.5.11.10 in their entirety.

8) Replace existing Section 9.5.13 with a new Section 9.5.15.13 to read as follows:

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than fifty percent (50%) of the total gross floor area of any project authorized under a FMUOD Special Permit. 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 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 fifty percent (50%) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the

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total land area approved for non-residential components is developed for residential use.

9) Replace existing Section 9.5.15.2.1.2 with a new Section 9.5.15.2.1.2 to read as follows:

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing. Where the nature of the following design features is considered by the Planning Board to be significant to the preservation or enhancement of the desirable visual quality and property values of a particular area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements.

10) Replace existing Sections 4.1.5.6 and 4.1.5.7 with a new Sections 4.1.5.6 and 4.1.5.7 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.6 Retail sales and services, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y ⁵	Y	Y	N
4.1.5.7 Retail sales and services, 10,000 square feet or more	N	N	N	N	N	N	N	N	N ⁴	Y ⁵	BA ³	BA ³	N

11) Replace Note 4 under Section 4.2 with a new Note 4 to read as follows:

⁴ Except for a retail grocery store which may exceed 10,000 square feet.

DELETED

~~12) Replace existing Section 4.1.5.12 with a new Section 4.1.5.12 to read as follows:~~

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	BA⁶	BA⁶	N

11) Change the designation of the parcels known as Assessor’s Plat 23, Lots 163 and 188 from General Residential (GR) District to Local Business B (LBB) District, and change the designation of the parcel known as Assessor’s Plat 23, Lot 215 from Industrial-Office (IO) District to Local Business B (LBB) District, or take any other action in relation thereto.

12) Replace the map entitled “Official Zoning Map, May 6, 2013” with the map entitled “Official Zoning Map, May 5, 2014”.

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Article 2: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.6 [Mixed Use Overlay Districts (MUOD)], including the deletion of Section 9.6 in its entirety, and the deletion of all references to Section 9.6 or to any MUOD districts, within the Zoning Bylaw and/or the Official Zoning Map, or take any other action in relation thereto.

Article 3: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Medicinal Marijuana Use, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.2 [Notes for Table of Principal Uses], and Section 4.6 [Interim Regulations for Medicinal Marijuana Use], or take any other action in relation thereto:

- 1) Delete Section 2.0 definitions for “Medical Marijuana Dispensary” and “Other Marijuana Facility” and add new Section 2.0 definitions as follows:

Registered Marijuana Dispensary A non-profit entity, lawfully permitted and licensed pursuant to 105 CMR 725 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, and/or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A Registered Marijuana Dispensary (RMD) may sell only marijuana, marijuana-infused products (MIPs) and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.

Other Marijuana Facility Any acquisition, cultivation, possession, processing, sale, dispensing, distribution, or administration of products containing or derived from marijuana, including, without limitation, food, tinctures, aerosols, oils, ointments, or smokables, and/or marijuana-related supplies or materials, other than a Registered Marijuana Dispensary.

- 2) Amend Section 4.1.5.37 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.37 Medicinal Marijuana Facility per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA

- 3) Add new Section 7.4 to read as follows:

SECTION 7.4 REGISTERED MARIJUANA DISPENSARIES

- 7.4.1 **Purpose.** The purpose of this Section is to assure that Registered Marijuana Dispensaries (RMDs) are carefully designed, located and operated in accordance with applicable state and local laws, rules and regulations, and to assure that adequate provisions are made for impacts of such facilities upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof.
- 7.4.2 **Special Permit Required.** No RMD shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4.
- 7.4.2 **Application Requirements.** An application for a special permit for a RMD shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Board of Appeals.
- 7.4.3 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of

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a report.

ADDED

- 7.4.4 **Referral of Application to Police Chief.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Police Chief, whereupon said Police Chief may, at his or her discretion, review the proposed RMD project and report in writing recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Police Chief, or until said Police Chief has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.5 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report. Said Planning Board report indicate the status of the proposed RMD’s Environmental Impact and Design Review (EIDR) application which is required pursuant to Section 7.3 of this Bylaw. If the Board of Appeals shall vote to grant a RMD Special Permit prior to the Planning Board’s issuance of an EIDR Approval for the RMD project, the Board of Appeals decision shall be conditional upon the granting of such EIDR Approval by the Planning Board and subject to any conditions thereof.
- 7.4.6 **Findings.** No RMD Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

- 4) Remove Section 4.6 in its entirety.

Article 4: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to restaurants, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], Section 4.2 [Notes for Table of Principal Uses], and Section 4.3 [Accessory Uses], or take any other action in relation thereto:

- 1) ~~Add a new Amend~~ Section 2.0 definition for “Restaurant” ~~definition for “Restaurant, Accessory”~~ to read as follows:

Restaurant An establishment where the primary activity is the preparation, service and sale of meals for consumption on the premises while seated either inside a completely enclosed building, or in a designated outdoor seating area adjacent to the building, which outdoor seating area has been approved by the Board of Selectmen and the Building Commissioner. The term “restaurant” shall not include “fast order food establishment”, “coffee shop” or “ice cream parlor” as herein separately defined.

~~Restaurant, Accessory—A restaurant located within an office or research and development building, which occupies no more than 25% of the gross floor area of said building, and cannot be entered except through an interior lobby or corridor of said building, where the primary activity is the preparation, service and sale of meals for consumption on the premises while seated inside a completely enclosed building, and where the customers do not generally have the option to consume their meals outside such building. The term “restaurant, accessory” shall not include “fast order food establishment”, “coffee shop” or “ice cream parlor” as herein separately defined.~~

- ~~2) Add new Section 4.3.5.2 to read as follows, and renumber subsequent sections as appropriate:~~

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5.2 Restaurant, accessory	N	N	N	N	N	N	N	N	N	N	Y	Y	BA ⁺

- 2) Amend Sections 4.14.11, 4.1.5.12, and 4.1.5.13 to read as follows:

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	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	N
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	BA ⁶	BA ⁶	Y ⁶	BA ⁶	BA ⁶	N
4.1.5.13 Restaurant with entertainment	N	N	N	N	N	N	N	BA ⁶	BA ⁶	BA ⁶	N	N	N

3) Amend Note 6 under Section 4.2 to read as follows:

⁶ Outdoor seating associated with a Restaurant permitted under this section, with or without entertainment, shall require approval by the Board of Selectmen and the Building Commissioner.

Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], to add, delete, or amend various definitions, or take any other action in relation thereto:

- 1) Replace definitions for “Lot, Corner”, “Height, Building”, and “Restaurant” to read as follows:

Lot, Corner A lot on a corner fronting on two (2) intersecting streets. In the case of a corner lot, one lot line shall be designated as the front lot line by the Building Commissioner, following a review of relevant criteria including street address and orientation of existing structures, and the opposite lot line shall be designated a rear lot line, for setback and yard requirements.

Height, Building Measured at the vertical distance from the average natural ground elevation adjoining the building at all exterior walls (grade plane) to the average height of the highest roof surface, except that in residential districts, height is measured from the highest finished ground elevation adjoining the building at all 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 used in no way for human occupancy.

- 2) Add a new definitions to Section 2.0 to read as follows, and re-alphabetize definitions as appropriate:

Entertainment Any form of amusement, distraction or similar activity intended to entertain the customers or clientele of a business, including any live or audio-visual presentation regardless of duration.

Establishment Any private or public entity, for-profit or non-profit organization, institution, proprietorship, or partnership regularly engaged in a particular activity.

Article 6: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.5 [Non-conforming Uses and Structures], or take any other action in relation thereto:

Replace Section 4.5.8 with a new Section 4.5.8 to read as follows:

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

4.5.8.1 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

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the Building Commissioner for good cause.

4.5.8.2 The building as reconstructed shall:

4.5.8.2.1 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

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of twenty-five (25) feet if constructed on a lot that does not comply with current lot area and lot frontage requirements.

4.5.8.3 In the event that the proposed reconstruction does not meet the provisions of Sections 4.5.8.1 and 4.5.8.2, a special permit shall be required from the Board of Appeals for such demolition and reconstruction.

Article 7: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 5.0 [Dimensional Requirements], including amendments to the Table of Dimensional Requirements, or take any other action in relation thereto:

Replace existing Section 5.2 with a new Section 5.2 to read as follows:

5.2 TABLE OF DIMENSIONAL REQUIREMENTS¹

	DISTRICT	DIMENSIONAL REQUIREMENTS								
		Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area ² (sq ft)	Minimum Front Setback ³ (feet)	Minimum Side Yard Setback ⁴ (feet)	Minimum Rear Yard Setback ⁴ (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
5.2.1	SRA	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.2	SRB¹³	20,000	90	90	15,000	25	15 ⁵	30 ⁶	25	50
5.2.3	SRC¹³	40,000	125	125	30,000	40	20 ⁷	30 ⁸	25	50
5.2.4	SRD	15,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.5	SRE¹³	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.6	GR	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.7	SR	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.8	LBA	4,000	40	40	4,000	10	15 ⁹	15	25	80
5.2.9	LBB	4,000	40	40	4,000	0	15 ⁹	15	25	80
5.2.10	HB	10,000	100	100	10,000	50	15	15	50	80
5.2.11	I	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.12	IO	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.13	ARO	80,000	175	175	60,000	50	30 ¹²	30	30	50

Article 8: 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, or take any other action in relation thereto.

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- 1) Replace the map entitled “Official Zoning Map, May 6, 2013” with the map entitled “Official Zoning Map, May 5, 2014”.

Article 10: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.2 [Signs], or take any other action in relation thereto:

- 1) Amend Section 6.2.2.10 by deleting the second sentence so that Section 6.2.2.10 reads as follows:

6.2.2.10 Flag. A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

- 2) Add a new Section 6.2.4 to read as follows, and renumber subsequent sections as appropriate:

6.2.4 **Municipal Signs.** Notwithstanding any provisions to the contrary in Section 6.2 or elsewhere in this Bylaw, municipal signs of any type, number, size, and material are permitted in all districts as authorized by the Town Administrator.

- 3) Delete the words “, except municipal signs” from Section 6.2.4.2, so that Section 6.2.4.2 reads as follows:

6.2.4.2 The maximum area of each sign shall not exceed one (1) square foot.

- 4) Amend Section 6.2.4.4, 6.2.5.5 and 6.2.6.5 to read as follows:

6.2.4.4 Notwithstanding the above limitations on number and total area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.5.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.6.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

- 5) Replace existing Section 6.2.7 with a new Section 6.2.7, which includes amendments to subsections 6.2.7.2 and added 6.2.7.6, so that the new Section 6.2.7 reads as follows:

6.2.7 **Prohibited Signs.** The following signs shall be prohibited in all districts except as specified herein:

6.2.7.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs.

6.2.7.2 Flags, buntings, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of national holidays shall be permitted, and properly displayed official flags of governmental jurisdictions and decorative flags on residences shall be permitted.

6.2.7.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.

6.2.7.4 Signs, other than traffic, regulatory or directional signs, which use the words “stop”, “caution”, or “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble universal “stop” or “yield” signs in shape and color.

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- 6.2.7.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.
- 6.2.7.6 Notwithstanding the above provisions, municipal signs of all types shall be permitted in all districts as authorized by the Town Administrator.

The complete text relative to the proposed amendments is available for inspection between 8:30 a.m. and 12:00 noon, Monday through Friday at the office of the Planning Board at 50 Carby Street, or during regular municipal business hours at the Town Clerk's office. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board.

Bruce H. Montgomery, Chairman
Westwood Planning Board

Map Versions:

- Version 0 = If PB Article 8 (Housekeeping) only
- ~~Version 1 = If BoS Article 10 (Obed Baker) only~~
- Version 2 = If PB Article 1 (FMUOD) only
- Version 3 = If PB Article 2 (MUOD) only
- ~~Version 3a = BOS #10 and PB #1~~
- ~~Version 3b = BOS #10 and PB #2~~
- Version 3c = PB #1 and PB #2
- ~~Version 3d = all proposed changes approved~~

Board Comments & Questions:

- BoS Article 10 –
Ms. Loughnane informed the board that the Town did not receive any qualifying bids in response to the RFP that was issued for the Obed Baker House. The Board of Selectmen is expected to reissue the RFP in the fall as there is continued interest in finding a use for the property.
- PB Article 1 –
"Upper Story Residential Uses" was removed as a permitted use in the FMUOD 6 & 7 overlay districts. Ms. Loughnane noted that a delay in the timing of the anticipated sale of the Magaletta properties lessens the time pressure to establish this development option at the May Town Meeting. She recommended that the board give further consideration to adding the upper story residential uses to the Washington Street and High Street FMUOD districts at a future Town Meeting when the board is better equipped to explain the potential for proposed mixed-use developments in these areas.

"FMUOD 1" – Minimum Project Area has been changed to 10 Acres per Special Counsel Dan Bailey's request. Since this amendment is offered in connection with the settlement of a lawsuit, Mr. Bailey requests that the Planning Board stand ready to reinsert the 30-acre minimum project area requirement if the settlement agreement is not fully executed before May 5th.
- PB Article 3 – Section 7.4.4 was added to require that the ZBA request comments from the Police Chief before acting on a special permit application for a RMD.
- PB Article 4 – See redline document. This article was altered to allow Planning Board special

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permits for outdoor dining at restaurants throughout town.

Public Comments:

None.

Motion/Action Taken:

Upon a motion by Mr. Wiggin and seconded by Mr. Pfaff, the board voted unanimously in favor to continue this public hearing until Tuesday, March 24th at 7:30 p.m. at the Westwood Public Library to allow for presentation of the proposed articles at the Finance & Warrant Commission's public hearing, and to permit the board's consideration of further amendments to those articles, if necessary.

New Business – Reserved for topics not reasonably anticipated to be discussed.

Adjournment

Upon a motion by Mr. Wiggin and seconded by Mr. Pfaff the board voted unanimously in favor to adjourn the meeting at approximately 9:50 p.m.

Upcoming Meetings:

Mon., Mar. 24 th	7:30 pm	Fincom Hearing, Westwood Library, 660 High Street
Tues., Mar. 25 th	6:30 pm	Planning Board Meeting, CMR, 50 Carby Street

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List of Documents:

Draft Zoning Bylaws 03-18-14	PDF
Wegmans Exterior Plans Peer Review Architectural Comments	PDF