

**Westwood Planning Board
Meeting Minutes
January 26, 2010
7:30 PM**

Board Members Present: Ch. S. Olanoff, S. Rafsky, J. Wiggin, R. Malster and B. Montgomery.

Staff Present: N. Loughnane, Town Planner and G. Garber, Community Development Advisor. Minutes were recorded by J.Barba, Land Use Assistant.

Consideration of ANR Plan - 345 Nahatan Street

An application and plan were presented by Steve Gordet, Attorney on behalf of Samuel Hayes, property owner of 345 Nahatan Street, Westwood, MA, for the review of an Approval Not Required (ANR) plan pursuant to MGL Chapter 41, Section 81P. Mr. Gordet told the board that the plan involved the three parcels shown Assessor's Map 29 as Lots 75, 76, 77 & 170. He noted that Lot 75 contains an existing house known as 345 Nahatan Street, while Lots 76, 77 and 170 are vacant. Mr. Gordet explained that the purpose of the ANR plan is to reconfigure four existing lots into three new lots, each of which will meet the minimum zoning requirements for buildable lots in the Single Residence E (SRE) district. He noted that all three reconfigured lots would have frontage of at least 175' on a public way, lot area of at least 80,000 square feet, and contiguous non-wetland area of at least 60,000 square feet.

Ms. Loughnane said that the three lots each have sufficient frontage on a public way and actual physical access from that way to the buildable portion of each lot. She stated that the submission does not constitute a subdivision and may be endorsed as an ANR by the Planning Board. Ms. Loughnane told the board that Town Engineer John Bertorelli had reviewed the plan prior to this meeting and had found it acceptable for the board's endorsement. Board members agreed.

Upon a motion by Mr. Rafsky, seconded by Mr. Montgomery, the board voted unanimously in favor, and each member endorsed the ANR plan.

Continuation of Public Hearing to Consider Application for Limited Environmental Impact and Design Review (EIDR) Approval of Exempt Use for the Construction of an Additional 99-Car Parking Lot at St. Margaret Mary Parish - 837 High Street - Applicant has requested a continuance to a date in late May, 2010 to allow for resolution of outstanding issues.

Continuation of Public Hearing to Consider Earth Material Movement Special Permit associated with Limited EIDR Approval of Exempt Use for the Construction of an Additional 99-Car Parking Lot at St. Margaret Mary Parish - 837 High Street - Applicant has requested a continuance to a date in late May, 2010 to allow for resolution of outstanding issues

Ms. Loughnane told the board that she had received a letter from project engineer Bob Murphy requesting a continuance to allow enough time for the parish and the town to reach an agreement on the use of the cemetery road, and to allow for Town Meeting approval of revisions to parking lot landscape requirements. Ms. Loughnane noted that the Applicant would prefer to receive site plan approval under new parking lot landscaping requirements, if the proposed zoning amendments are approved at Town Meeting.

Ms. Loughnane noted that although Mr. Murphy had filed a Request for Determination by the Conservation Commission, his January 19, 2010 letter requesting this continuance stated that the Applicant would not pursue approvals from other boards until the project was approved by the Planning Board. She stated that an Order of Conditions would likely be required by the Conservation Commission before the new parking lot could be constructed, and noted that any plan revisions required by the Conservation Commission could necessitate further approval by

the Planning Board. Ms. Loughnane said that she would encourage the Applicant to pursue the two approvals simultaneously.

Upon a motion by J. Wiggin and seconded by B. Montgomery, the board voted unanimously, in favor to continue the hearings to May 25th at 7:30 p.m., in the Champagne Meeting Room.

Update on Zoning Amendments for Town Meeting

Green Community Amendments – WEACT

Wendy Muellers and Peter Kane from WEACT were present. Ms. Muellers explained that she has been working on Westwood's application for the Green Communities Program and identified two of the five criteria that require that the town adopt as of right siting of renewable energy projects and an expedited permitting process related to that. Following discussions with WEACT's consultant, Mr. Garber and Ms. Loughnane, it was concluded that renewable energy uses are currently permissible in industrial districts and that no zoning amendments are necessary for this Town Meeting. In addition, Mr. Garber pointed out that the town's current EIDR process is well within the specified timelines for an expedited permitting process. He noted that the board's regulations could be easily amended to clarify those timelines. As such, Ms. Muellers requested that the proposed amendments to the zoning bylaw enabling Westwood's qualification as a Green Community be withdrawn.

Mr. Garber noted that the Green Communities program also required adoption of the Stretch Code, which requires that all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction are designed to reduce lifecycle energy costs. All agreed that this new code would require extensive internal training and education of the public and building contractors. Mr. Kane asked the board for direction on proceeding with implementing the Stretch Code. Mr. Montgomery suggested that WEACT await feedback from Building Commissioner Joe Doyle who is currently scheduled to attend a training seminar on the Stretch Code. As a second step, Mr. Rafsky suggested holding a series of public workshops to educate and inform town boards and commissions, town residents and local contractors of any new requirements.

Ch. Olanoff thanked the members from WEACT for their update and asked them to keep the board informed of progress in the future.

Proposed Article 4 - Coffee Shops and Ice Cream Parlors

Ms. Loughnane presented the board with the following revised draft including parking requirements:

Article 4: To see if the Town will vote to approve certain amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.3 [Accessory Uses] and Section 6.1 [Off-street Parking] including the following, or take any other action in relation thereto:

1) Add new Section 2.31 [Coffee Shop] to read as follows, and renumber sections as appropriate:

2.31 Coffee Shop Retail sales of coffee, tea, and/or similar products for consumption on or off the premises.

2) Add new Section 2.65 [Ice Cream Parlor] to read as follows, and renumber sections as appropriate:

2.65 Ice Cream Parlor Retail sales of ice cream, frozen yogurt and/or similar products for consumption on or off the premises.

3) Add new Section 2.109 [Retail Take-out Counter] to read as follows, and renumber sections as appropriate:

2.109 Retail Take-out Counter A counter accessory to a retail establishment, engaged in the dispensing of prepared food and beverage to persons carrying food and beverage away for consumption elsewhere.

- 4) Amend Section 2.51 [Fast Order Food Establishment] by adding the following sentence to the end of the definition: “The term ‘fast food establishment’ shall not include ‘coffee shop’, ‘ice cream parlor’ or ‘retail take-out counter’ as herein separately defined.”
- 5) Amend Section 2.105 [Restaurant] by deleting the last sentence of the definition, and replacing with the following: “The term ‘restaurant’ shall not include ‘fast food establishment’, ‘coffee shop’ or ‘ice cream parlor’ as herein separately defined.”
- 6) Amend Section 4.1 [Principal Uses], Subsection 4.1.5 [Commercial Uses] by adding a new Subsection 4.1.5.15 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

4.1.5.15 Coffee Shop

- 7) Amend Section 4.1 [Principal Uses], Subsection 4.1.5 [Commercial Uses] by adding a new Subsection 4.1.5.16 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns, and renumber sections as appropriate:

4.1.5.16 Ice Cream Parlor

- 8) Amend Section 4.3 [Accessory Uses], Subsection 4.3.4 [Accessory Uses in All Nonresidential Districts] by adding a new Subsection 4.3.4.3 to read as follows, with “Y” in columns under districts LBA, LBB, HB, I and IO, and with “N” in all other columns:

4.3.4.3 Retail Take-out Counter

- 9) Amend Section 6.1.5.14 [Fast Order Food Establishment], by deleting the words “four (4)” and replacing with the words “two (2)”, by deleting the words “eight (8)” and replacing with the words “four (4)”, and by adding the words, “plus one (1) space per two (2) employees, plus four (4) spaces per take-out station” at the end of the section , so that the amended subsection reads as follows:

6.1.5.14 Fast Order Food Establishment	One (1) space per each two (2) seats, or where benches are used, one (1) space per four (4) lineal feet of bench, plus one (1) space per two (2) employees, plus four (4) spaces per take-out station
--	---

- 10) Add new Sections 6.1.5.25 [Coffee Shop] and 6.1.5.26 [Ice Cream Parlor] to read as follows, and renumber sections as appropriate:

<p>6.1.5.25 Coffee Shop 6.1.5.26 Ice Cream Parlor</p>	<p>One (1) space per two (2) employees, plus four (4) spaces per take-out station, plus the greater of a) or b) below:</p> <p>a) One (1) space per each two (2) seats, or where benches are used, one (1) space per four (4) lineal feet of bench; or</p> <p>b) One (1) space per one hundred (100) square feet floor area or fraction thereof devoted to selling, storage, service and all other activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises.</p>
---	--

Ms. Loughnane stated that the purpose of this article is to allow by right coffee shops and ice cream parlors similar to those currently operating in Westwood. She explained that under current zoning, such businesses would be classified as fast food establishments and would be allowed only by special permit, and then only in the Highway Business District and certain Mixed Use Overlay Districts.

EDAB Representative Barbara McDonald asked what impact this amendment might have on existing businesses. Ms. Loughnane said that the proposed changes would apply to new businesses. She stated that the existing businesses are permitted to continue as previously approved.

Proposed ARO District Amendments

Ms. Loughnane reported that Economic Development Officer Chris McKeown had discussed the idea of allowing limited additional uses in the ARO district with the Economic Development Advisory Board (EDAB), including how changes would affect 100 High Street. She said that it was the consensus of the EDAB, Mr. McKeown and Mr. Garber that such amendments could be construed as “spot zoning”. Ms. Loughnane told the board that Mr. McKeown had received no indication of interest from the property owner in accepting assistance from the town to identify a suitable use for the property, and therefore Mr. McKeown has requested that that this article will be withdrawn.

Proposed Article 3 - Parking Space Requirement Revisions

Ms. Loughnane provided the following draft:

Article 3: To see if the Town will vote to amend Section 6.1 [Off-street Parking] to revise certain minimum parking requirements as follows, or take any other action in relation thereto:

- 1) Amend Section 6.1.4.1 [Use of land or structures for religious purposes] by adding the words “, customarily in use at any one time” at the end of the section so that the amended section reads as follows:

6.1.4.1 Use of land or structures for religious purposes	One (1) space per each four (4)
--	---------------------------------

	seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, customarily in use at any one time
--	--

- 2) Amend Section 6.1.4.2 [Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation] by adding “:” at the end of the title, and by deleting the words “One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per employee”, and by adding subsections so that the amended section reads as follows:

6.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation:	
6.1.4.2.1 Preschool, kindergarten, elementary school, middle school or junior high school	One (1) space per employee and two (2) spaces per classroom
6.1.4.2.2 Senior high school or vocational school	One (1) space per employee and six (6) spaces per classroom
6.1.4.2.3 College, university or trade school	One (1) space per employee and twelve (12) spaces per classroom
6.1.4.2.4 Public assembly area included in facility	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

- 3) Amend Section 6.1.4.5 [Agricultural Use, Exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the remises in question” so that the amended section reads as follows:

6.1.4.5 Agricultural Use, Exempt

Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

- 4) Amend Section 6.1.4.7 [Municipal Facilities] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the remises in question” so that the amended section reads as follows:

6.1.4.7 Municipal Facilities

Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

- 5) Amend Section 6.1.5.1 [Agricultural Use, Non-exempt] by deleting the words “Not applicable” and replacing with the words “Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the remises in question” so that the amended section reads as follows:

6.1.5.1 Agricultural Use, Non-exempt

Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

--	--

The board discussed the language of proposed Section 6.1.4.1 pertaining to parking for religious facilities. Ms. Loughnane explained that the intent of this amendment was to reduce the current parking requirement, which called for one parking space for every 4 seats provided anywhere within a religious facility. She noted that while general assembly areas, offices, and classrooms are often not occupied simultaneously, the current parking space requirements count each of these seats. Ms. Loughnane stated that the proposed language was developed to count the greatest number of seats customarily used at a single point in time. She noted that the intent was not to require the excessive amount of parking which might be used during occasional special events, such as holidays and funerals. After some discussion, the board agreed to change the words "customarily in use at any one time" to "customarily used at peak time of use".

The board discussed the need for the proposed changes to Section 6.1.4.2 pertaining to parking for educational facilities. Ms. Loughnane stated that the current zoning calls for an excessive number of parking spaces for educational uses, and does not take into account the variance in parking needs for different types of educational facilities. She stated that the proposed requirements were developed to reflect the actual needs of these different classes of educational facilities. Mr. Rafsky asked if the existing schools would meet the proposed parking requirements. Ms. Loughnane stated that many of them would not. She said that although the proposed requirements were in most cases substantially less than the current requirements, many of the existing schools would still fall short. She said that the proposed requirements would provide a more realistic requirement for future school developments. Mr. Montgomery asked if any new school construction was proposed in the foreseeable future. Ms. Loughnane stated that she was not aware of any upcoming proposals. After some discussion, the board agreed to withdraw the amendments to Section 6.1.4.2.

Proposed Article 2 - Parking Lot Landscaping Revisions

Ms. Loughnane provided the following draft:

Article 2: To see if the Town will vote to amend Section 6.1 [Off-Street Parking Requirements] by deleting sections 6.1.16 and 6.1.17 in their entirety, and inserting a new Section 6.1.16 addressing landscape requirements for parking areas with fewer than ten parking spaces, and a new Section 6.1.17 addressing landscape requirements for parking areas with ten or more parking spaces, to read as follows, or take any other action in relation thereto:

6.1.16 Parking Areas with Fewer Than Ten Parking Spaces. Parking lots designed for fewer than ten (10) parking spaces shall provide such landscaping as may be required under Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements.

6.1.17 Parking Areas for Ten or More Parking Spaces. The following requirements shall apply to all new parking areas containing ten (10) or more parking spaces, and to existing parking areas containing ten (10) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review. Any additional requirements set forth in Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements shall also apply.

6.1.17.1 Landscape Design Requirements. All parking areas applicable to this Section shall conform to the following design requirements:

6.1.17.1.1 Areas Adjacent to Buildings. Landscaped areas at least five (5) feet in depth shall be provided adjacent to buildings on every side of such buildings that has a public access point, and shall contain trees and shrubs.

6.1.17.1.2 Perimeter Planting Areas. Parking lots shall be bordered on all sides, exclusive of driveways, with a minimum five (5) foot wide planting area within which shall be

located and maintained appropriate landscaping of suitable type, density and height to appropriately screen the parking area from all adjacent properties and roadways. In all cases, plantings shall be located so as not to obstruct vehicle sight distances, entrances and exits.

- 6.1.17.1.3 **Landscaped Islands.** Parking lots containing more than twenty-five (25) parking spaces shall include one or more landscaped islands. Landscaped islands shall be located so as to divide a parking lot into sections not exceeding one hundred forty (140) cars per section, to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation. Landscaped islands shall be a combination of "divider islands" and "terminal islands".
- 6.1.17.1.3.1 **General Standards.** Each landscaped island shall have a minimum area of one hundred fifty (150) square feet and shall consist of pervious landscaping. Curbing, at least five (5) inches in height, shall surround each landscaped island as protection from vehicles. No tree shall be planted less than four (4) feet from curbing.
- 6.1.17.1.3.2 **Standards for Divider Islands.** The following additional design standards shall apply to divider islands:
- a. At least one (1) landscaped divider island shall be provided for every four (4) parallel rows of parking.
 - b. Trees shall be spaced not more than twenty-seven (27) feet on center.
 - c. At least one (1) shrub shall be provided for every five (5) linear feet, or one (1) shrub per thirty-five (35) square feet of ground area, whichever results in a greater number of shrubs.
- 6.1.17.1.3.3 **Standards for Terminal Islands.** The following additional design standards apply to terminal islands:
- a. Terminal islands shall be used either (1) to separate parking spaces from driveways and other vehicular travel lanes, or (2) to break up large numbers or parking spaces in a single row of spaces.
 - b. Landscaped terminal islands shall be provided at the ends of rows of parking where such rows are adjacent to driveways or vehicular travel lanes. In addition, terminal islands shall separate groups of parking spaces in a row, such that no continuous line of adjoining spaces contains more than twenty-five (25) parking spaces.
 - c. Terminal islands shall contain at least two (2) trees when abutting a double row of parking spaces.
 - d. Landscaped terminal islands shall contain evergreen shrubs planted three (3) feet or less on center, in order to prevent damage due to pedestrian traffic.
- 6.1.17.1.3.4 **Impervious Surface.** A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas.
- 6.1.17.1.4 **Landscape Materials.** All planted trees shall be of a species tolerant to the climatic conditions of Westwood and shall have a minimum caliper size of four (4) inches

(measured four feet above grade level). Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Westwood, and be at least twenty-four (24) inches in height at time of planting. To the fullest practicable extent, existing trees and vegetation shall be preserved. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover. Planting shall be done in accordance with proper landscaping practices. Trees, shrubs, grass and ground cover which die or become diseased shall be replaced by the property owner within six (6) months of such death or disease.

- 6.1.17.2 **Site Plan Requirements.** All parking areas applicable to this section shall be shown on a site plan which shall be prepared by a professional engineer or landscape architect and shall show the following:
- 6.1.17.2.1 Boundaries of the new or expanded parking area and all parking spaces, bicycle parking, loading areas, access and egress areas;
 - 6.1.17.2.2 Existing topography, including any proposed grading changes;
 - 6.1.17.2.3 Proposed storm drainage system and calculations of storm drainage runoff to demonstrate compliance with the stormwater management standards as adopted and amended from time to time by the Massachusetts Department of Environmental Protection;
 - 6.1.17.2.4 Utilities, signage, outdoor storage and trash/recycling disposal areas;
 - 6.1.17.2.5 Existing and proposed planting, landscaping and screening; and
 - 6.1.17.2.6 Exterior lighting.
- 6.1.17.3 **Waiver of Landscaping Requirements.** The Planning Board may modify the requirements of Section 6.1.17 where in its judgment, for topographic or other reasons, these requirements could not reasonably be met.

Board members agreed that the proposed amendments were more business friendly than the current parking lot landscaping requirements. After some discussion, the Board suggested the following edits to proposed Sections 6.1.17.1.2 and 6.1.17.3:

- 6.1.17.1.2 **Perimeter Planting Areas.** Parking lots shall be bordered on all sides, exclusive of driveways, with a minimum five (5) foot wide planting area within which **trees** shall be **spaced** located and maintained appropriate landscaping of suitable type, density and height to appropriately screen the parking area from all adjacent properties and roadways. **not more than twenty-seven (27) feet on center.** In all cases, plantings shall be located so as not to obstruct vehicle sight distances, entrances and exits.
- 6.1.17.3 **Waiver Reduction of Landscaping Requirements.** The Planning Board may ~~waive or~~ modify **or reduce** the requirements of Section 6.1.17 where in its judgment, for topographic or ~~other~~ **engineering** reasons, these requirements could not reasonably be met.

Housekeeping Items

Ms. Loughnane told the board she hoped to prepare an article with various amendments to correct errors, inconsistencies and oversights within the zoning bylaw. She stated that this article would, at a minimum, include changing the word "car" to the word "vehicle" throughout section 6.1.

Zoning Map Corrections

Ms. Loughnane said that she was continuing to work on revising the Official Zoning Map to correctly identify the zoning district classification of all town-owned parcels, and to correct any

identified errors on the existing map. She noted that the only error she was aware of at this time involved the drawing of the boundary of the Mixed Use Overlay District through a residential lot on Whitewood Road.

Proposed Article 1 – Open Space residential Development (OSRD)

Mr. Garber provided the board with a revised draft of the proposed OSRD article, with recent revisions shown in blackline as follows:

Article 1: To see if the Town will vote to approve certain amendments related to Special Residential Development, including the following, or take any other action in relation thereto:

- 1) Remove Section 8.3 [Flexible Development], Section 8.4 [Fifty Percent Density Bonus], and Section 8.5 [Major Residential Development] in their entirety, and insert a new Section 8.3 [Open Space Residential Development] to read as follows, and renumber sections as appropriate:

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT.

8.3.1 Purposes. The purposes of open space-residential development (OSRD) are as follows:

To conserve natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community.

To lessen the amount of disturbance to soils, topography and vegetation on the site, and to provide roads and infrastructure in more efficient and less intrusive ways than with conventional subdivisions;

To ~~offer the designer~~ provide the opportunity ~~to exert~~ for more flexibility and imagination in the design of residential development projects;

To offer greater housing choice by allowing enhanced mixes of housing type, compatible with community character.

8.3.2 Applicability. OSRD projects shall be allowed by-right in the following districts: SRB, SRC and SRE.

8.3.2.1 The tract of land proposed for an OSRD development:

Shall consist of one parcel or two or more contiguous parcels, with a minimum area of 80,000 square feet ~~in area~~. The Planning Board may make a finding that two or more parcels separated by a road or other infrastructural element are effectively contiguous if this is consistent with the purposes of this section.

May be a subdivision M.G.L. c. 41, § 81k through gg, or a division of land pursuant to M.G.L. c. 41, § 81P. An OSRD may also be considered if the property will be organized in condominium or cooperative or other form of ownership not involving a subdivision of land.

8.3.2.2 Tract or development tract shall mean the boundaries and area of the original parcel of land proposed for the OSRD, prior to further division.

8.3.2.3 Environmental Impact and Design Review required.

8.3.2.4 No building permit shall be issued for an OSRD unless the Planning Board has granted ~~approval of~~ an Environmental Impact and Design Review (EIDR) Approval pursuant to Section 7.3 of this bylaw, as well as a ~~Definitive Subdivision Pplan Approval~~ under the Westwood Rules and Regulations Governing the Subdivision of Land, where land is being subdivided. ~~The EIDR shall function as a site plan review process.~~ In cases where land is not being subdivided due to condominium, cooperative or similar ownership status, the OSRD-EIDR site plan review Approval alone shall be required.

8.3.3 Allowed Uses.

Detached single-family dwellings;

Two-family dwellings, including zero-lot line structures;

Townhouses not exceeding six units per building; in any combination.

Common open space areas for active or passive recreation, preservation of habitat and natural resources, maintenance of scenic amenities, buffering between uses, both within the site and from abutting properties, connecting greenways to abutting protected open space, lawn and landscaped areas within the site, pedestrian and bicycle trails, and similar features.

Recreational amenities primarily for residents of the OSRD, such as a community center, swimming pool, beach, tennis court, or children's playground.

Accessory uses necessary to the operation and maintenance of the project, including but not limited to detached structures for parking, sheds for equipment and tool storage, structures housing heating/ventilating and air conditioning, pumping stations or similar facilities, and energy generating facilities allowed by the ~~Westwood Zoning~~ this bylaw.

8.3.4 Density and Dimensional Requirements.

8.3.4.1 OSRD Allowed Density and Calculation Method. The maximum number of dwelling units in an OSRD project shall not be greater than that allowed in the underlying base district, SR B, SR C and SR E, except as provided ~~in sub-section XXXX~~ herein in regard to allowed density bonuses.

8.3.4.2 Calculating the Allowed Number of Dwelling Units. ~~There shall be three submission requirements in regard to the~~ The maximum number of dwelling units to which an OSRD project is entitled shall be determined by the Planning Board following the submission of a Density Calculation and a Yield Plan, as set forth below. The ~~Density Calculation~~ and the Yield Plan are submitted as part of the OSRD-EIDR, but they may be submitted on a preliminary ~~and unofficial~~ basis to the Planning Board, as part of an informal pre-application meeting ~~discussions with the Planning Board~~, as provided for ~~in section 8.3.5.4~~ herein.

8.3.4.2.1 Density Calculation Method.

The base number of dwelling units allowed in an OSRD shall be determined by dividing the ~~Net Tract Area~~ Net Tract Area of the OSRD tract ~~as defined herein~~ by the minimum lot size required in the underlying district (SR B at 20,000 square feet, SR C at 40,000 square feet, SR E at 80,000 square feet), and multiplying the result by 1.00. ~~Rounding of fractions shall always be to the lower whole number.~~ where Net Tract Area shall ~~mean~~ be calculated by first subtracting forty (40) percent of all wetlands areas on the tract from the total area of the OSRD tract, of land minus forty (40) percent of the wetlands on the tract, and minus then subtracting ten (10) percent of the total tract remaining area to account for infrastructure, all measured in square feet. Rounding of fractions shall always be to the lower whole number.

8.3.4.2.2 Yield Plan

In order to provide a graphic, illustrative point of comparison to the calculated density required ~~in 8.3.4.2.1 above~~, a yield plan shall be submitted as part of the OSRD-EIDR application, for the purpose of establishing the maximum number of dwelling units which could be created on the tract. The yield plan ~~is defined as~~ shall consist of a minimally-detailed drawing ~~submitted as part of the EIDR application, for the purpose of establishing the maximum number of dwelling units entitled to be constructed on the tract.~~ laying out lots with complying frontage and lot area and access on ways, ~~the illustrative sketch shall reflect the minimum lot size allowed in the district in which the tract is situated,~~ adjusted by the extent to which natural resources and environmental constraints exist on the site, which may include, but not be limited to, wetlands, slopes over 20%, and areas of vegetation or mature forest cover with high bio-diversity value. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental

Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources.

8.3.4.2.3 Final Determination

The Planning Board shall make the final determination of allowed dwelling units and shall choose the lower of the two density numbers emanating from the density calculation and yield plan, should there be any discrepancy between the two sources.

8.3.4.3 OSRD Dimensional Requirements, General.

The minimum individual lot area and frontage requirements in SR B, SR C and SR E, as delineated in section 5.2, Table of Dimensional Requirements, shall not apply in an OSRD project, provided that all lots have frontage on a street or interior drive of not less than seventy-five (75) feet, and there is a minimum individual lot area of seventy-five hundred (7500) square feet, except in the case of townhouses. The Planning Board may further reduce the minimum frontage if house dimensions, location on curved frontage or a street terminus, or other conditions justify doing so, provided the reduction is consistent with the intent of this section. Reduced frontage lots shall be located on streets and interior site drives fronting within the interior of the OSRD tract, unless the Planning Board finds that location on a way exterior to the project is not detrimental to the neighborhood.

More than one dwelling may be allowed on a lot.

The minimum separation between any OSRD structures within the same residential cluster shall be the equivalent of the building height. The minimum separation between any OSRD structures in separate residential clusters within an OSRD shall be sixty (60) feet.

~~The minimum separation between any residential structure in an OSRD and a dwelling on abutting external property shall be sixty (60) feet. The minimum separation-setback of any residential structure from between any point on a residential structure and the perimeter boundary of the development tract shall be 30 feet.~~

The minimum front setback in OSRD, except for townhouses, shall be not less than fifty (50) percent of the setback required for the district in which the tract is located. In cases where an OSRD project lies in more than one eligible district, if the tract lies 2/3 or more in one district, the front setback for that district shall apply in total. In cases where the project lies less than 2/3 in one district, the frontage shall be the ~~blended~~ average of the required minimum front setbacks in the two districts.

The minimum side yard for any unit, other than townhouses and zero lot line houses, shall be twenty (20) feet. Minimum rear setback for any type of OSRD unit shall be ten (10) feet. For zero lot line units, there shall be no minimum side yard requirement along the common boundary line, and twenty (20) feet at the other side yards.

8.3.4.4 OSRD Density and Dimensional Requirements, ~~and~~ Townhouses.

There shall be no minimum frontage or lot size for individual townhouses, if the Planning Board determines that the frontage and lot area proposed for the townhouses are reasonably compatible with existing structures in surrounding residential areas and not detrimental to the neighborhood.

Townhouse structures shall be arrayed in groupings containing not more than ~~48~~ 20 units in a single cluster. The term cluster as used in this section shall mean any single grouping or assemblage of dwellings within an OSRD that is separated by open space from other groupings of dwellings in the development.

Front setbacks for townhouse units may be staggered to provide visual and architectural relief, provided that no unit has a front setback of less than ten (10) feet.

There shall be no minimum side yard requirement for townhouse units. Minimum rear setback shall be ten (10) feet.

The minimum separation between any townhouse structures shall be the equivalent of the building height.

8.3.4.5 Density Increases Allowed. The Planning Board may allow a density bonus to increase the number of dwelling units beyond the base maximum number defined ~~in sub-section 8.3.4.~~ above. A density bonus may be allowed in the following circumstances:

For each additional five (5) percent of the site set aside as common open space above the minimum required below ~~in sub-section 8.3.6.1,~~ a bonus of twenty (20) percent of the base maximum number of units may be allowed.

For every one (1) dwelling unit restricted in perpetuity as lower income affordable housing, defined in this instance as household eligibility not exceeding 80% of area median income, two (2) market rate dwelling units may be added to the base maximum number of units.

For every one (1) dwelling unit restricted in perpetuity as moderate income affordable housing, defined in this instance as household eligibility 80% to 150% of area median income, one (1) market rate dwelling unit may be added to the base maximum number of units.

For a historically significant building or major structure, including ~~(such as~~ a barn or other accessory use), preserved as part of the OSRD, one (1) additional market rate unit may be added to the base maximum number. The determination of historical significance shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission

A density bonus may be based on any combination of the scenarios listed above, provided that in no event shall the density bonus for the OSRD exceed, in the aggregate, fifty (50) percent of the base maximum number of dwelling units.

8.3.5 Procedures.

8.3.5.1 Pre-application Meeting.

All OSRD applicants are encouraged to meet informally with the Planning Board ~~at one or more public meetings~~ prior to ~~applying for an OSRD~~ submitting an OSRD-EIDR application. The purposes of a pre-application review are to solicit guidance from the Planning Board at the earliest possible stage in the process, in order ~~regard~~ to identify site design issues and to establish an approximate number of allowed residential dwelling units, ~~and~~ ~~The purpose is also~~ to keep the applicant's costs for landscape design, site engineering and other technical expertise to a minimum. At the request and expense of the applicant, the Planning Board may engage technical experts to review the applicant's informal plans ~~of the applicant~~ and to facilitate submittal of a formal OSRD-EIDR application ~~for an OSRD-EIDR~~.

8.3.5.2 Environmental Impact and Design Review for OSRD.

8.3.5.2.1 General. All OSRD projects shall be subject to the ~~Environmental Impact and Design Review (EIDR)~~ process in ~~S~~section 7.3 of ~~the~~ this bylaw. ~~Fully engineered and designed submission documents shall be in accordance with sub-section 7.3.6.~~ The Planning Board may waive particular submission requirements for OSRD projects if they are determined to be inapplicable or unnecessary for OSRD-EIDR review, provided that doing so is consistent with the purposes of this section.

8.3.5.2.2 Public Hearing and Decision. A public hearing shall be ~~required and shall be~~ conducted by the Planning Board within sixty-five (65) days of submission of application and plans. Decisions shall be rendered within ninety (90) days of the close of said hearing. Failure to take action within the 90 day period shall be deemed to constitute ~~be~~ constructive approval of the OSRD-EIDR Approval.

8.3.5.2.3 OSRD 4-step Design Process. ~~Prior to submitting an application for an OSRD EIDR,~~ The application shall contain graphic and written material sufficient to demonstrate to the Planning Board that the following three-step design process set forth below was performed by a registered landscape architect, or a team which includes a registered landscape architect, ~~and that said process was employed~~ in establishing the layout of ~~proposed~~ open space, housing units and clusters, streets, and lots.

Step One: Identification of Conservation Areas. The first step in the design process shall be to identify, analyze, and incorporate in the plans the natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community, that exist on the OSRD tract and immediate vicinity. In addition, the OSRD concept design shall be considered in the larger context of neighborhood character, transportation and transit services, district land use patterns, cultural issues and other factors that might affect, or be affected by, the OSRD project. The outcome of Step One is both to identify likely open space protection areas, and to identify in a preliminary way the potentially developable parts of the OSRD tract.

Step Two: Location of Housing Sites (clusters). The second step shall be to locate the approximate siting of residential structures within the potentially developable areas, including the delineation of private yards and shared amenities so as to reflect an integrated community. The number of dwelling units with direct access to the natural and man-made amenities of the OSRD project should be maximized.

Step Three: ~~Aligning the~~ Alignment of Streets and Trails. The third step shall be to align streets in order to provide access to the housing clusters and residential structures. New trails should be laid out to create internal and external connections to existing and/or potential ~~future~~ streets, sidewalks, and trails.

Step Four: Drawing of Lots and Easement Lines. The final step shall be to draw in the lot lines depicting the subdivision of the OSRD tract, including all easements and deed restrictions shown on the plan. In the case of condominium or cooperative projects without individual lot ownership, assumed lot lines for illustrative purposes may be depicted on the plans.

~~8.3.5.2.4 OSRD Yield Plan.~~

~~The yield plan shall be a minimally detailed drawing submitted as part of the EIDR application for the purpose of establishing the maximum number of dwelling units entitled to be constructed on the tract. It shall be based on the formula for base maximum number of units explained in sub section 8.3.4. The total number of dwelling units in the OSRD shall be determined by the Planning Board, based upon its review of the yield plan. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources.~~

8.3.6 Common Open Space Requirements.

8.3.6.1 Minimum Open Space Requirement.

In the SR C and SR E districts, the OSRD shall protect in perpetuity at least forty (40) percent of the total tract as common open space, or fifty (50) percent where the OSRD project must employ shared or individual septic systems or other on-site treatment, because no public sanitary sewer collection system is available. In the SR B district, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space. The common open space shall not be further divided or subdivided, and a restriction ~~which to such effect~~ shall be noted on the OSRD-EIDR plans recorded at the Registry of Deeds. Structures located within the common open space shall be limited to ~~that are intended to be~~ those structures used to support proper use of the open space, ~~such as including~~ equipment storage, temporary shelters, sanitary facilities, ~~or~~ and trail information stations. The following standards apply to the common open space in an OSRD:

8.3.6.2 Configuration of the Open Space

The landscape shall be preserved in its natural state, insofar as practicable, by keeping to a minimum the removal of tree and forest vegetation, the excavation and removal of soil and the major alteration of existing topography. The massing and shape of the open space shall be designed to maximize its functionality for wildlife habitat and conservation, passive recreation, agriculture, horticulture, forestry, and equestrian use. Cultural and historical resources and scenic amenities may also be incorporated into the open space.

The open space shall be contiguous to the maximum extent possible. ~~and~~ Connectivity between open space areas within the development tract, and to open space areas external to it, shall be incorporated wherever possible. No open space area shall be less than 50 feet in its smallest dimension. Open space traversed by a roadway may ~~still be determined~~ considered by the Planning Board to be connected. Not more than five (5) percent of the open space areas may be covered by pavement or paved roads and allowable accessory structures.

~~The percentage of the open space areas that includes wetlands shall not exceed the percentage of the development tract that includes wetlands, unless the Planning Board finds that a larger percentage of wetlands is consistent with the purposes of this section.~~

New or existing trails or walkways shall be constructed or retained, as applicable, for the purpose of providing reasonable access to the open space.

No ~~dwelling unit~~ cluster, at its nearest point, shall lie farther than three-hundred (300) feet from the closest point of the open space, with the exception of minor adjustments allowed by the Planning Board ~~in the EIDR process~~ where compliance with this standard is impractical.

Underground utilities, stormwater management facilities, and shared wastewater treatment systems serving the site may be located within the common open space. Surface collection systems such as retention and detention ponds shall not count toward the minimum common open space requirement, unless any such system is contiguous to a large open space area. Existing or proposed utility easements shall not be counted as common open space unless allowed by the Planning Board ~~in the EIDR process~~.

8.3.6.3 Ownership, Protection and Maintenance of the Open Space

8.3.6.3.1 Conveyance. The common open space may be conveyed to any of the following entities:

- 1) The Town of Westwood or its Conservation Commission
- 2) A non-profit organization whose primary purpose is to conserve and maintain open space, as defined in this section.
- 3) A corporation or trust owned jointly or in common by the owners residing in the OSRD
When the open space is conveyed to said corporation or trust, maintenance of the open space shall be guaranteed in perpetuity. The corporation or trust shall provide for mandatory assessments for maintenance expenses to each lot and unit. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions to affect these requirements. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

8.3.6.3.2 Conservation Restrictions. When common open space is not conveyed to the Town or to its Conservation Commission, a conservation restriction or agricultural or forest preservation restriction enforceable by the Westwood Conservation Commission or other board under M.G.L. c. 184, § 31, is required, in compliance with the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services or Department of Agricultural Resources. Said restriction shall be recorded in the manner provided by statute. The Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so. The common open space shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth in this section, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any common open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction, or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts, shall be subject to a restrictive covenant, which shall be approved by the Planning Board and *[BOS is required]* Board of Selectmen, and which shall be duly recorded at the Registry of Deeds. *(Check with Tom McCusker on covenants for Gay Farm Way and Captain's Crossing.)* The Town of Westwood shall retain the right to enforce such covenants.

8.3.6.3.2 Special Maintenance Provisions. The Town shall be granted an easement over the common open space in all cases, to ensure its perpetual maintenance as open space consistent with the purposes of this section. Such easement shall provide that in the event the corporation, trust, or other owner fails to maintain the open space in good functional condition, the Town may, after notice to the owners and a public hearing, enter the common open space to provide reasonable maintenance, in order to prevent or abate a nuisance. The cost of such maintenance shall be assessed against the properties within the development and/or to the owner of the common open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.3.7 General Design Standards. The following minimum design standards shall apply to any OSRD site plan and shall guide the design of the site as an OSRD:

8.3.7.1 Landscape Preservation. Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree and vegetative cover removal and alterations to the pre-development natural topography. Mature trees of six (6) inch caliper or greater, measured at the approximate five (5) foot height level of the trunk, shall in particular be retained to the maximum practical extent. The location and orientation of housing sites or clusters shall be such as to maintain maximum natural topography. The design-with-the-land approach shall be employed in all site planning, wherein retention of natural topographic and vegetative features, views and natural drainage courses shall be treated as fixed determinants of housing cluster locations or interior drive layouts, rather than altering the site to accommodate a fixed development plan.

8.3.7.2 Roadway Design. The design standards for the alignment and width of streets and interior drives in any OSRD shall be those of the “Westwood Rules and Regulations Governing the Subdivision of Land” in section IV.DESIGN STANDARDS, subsection A.2. The standard for construction profiles, details and specifications for streets and interior drives shall be that of Section IX, ROAD CONSTRUCTION SPECIFICATIONS. Applicants are encouraged, however, to consider alternate designs that might involve variations to those standards, including but not limited to narrower rights of way and paved travel lanes, and any other requirements. In such instances, the Planning Board may grant design waivers in the definitive plan subdivision control process, in accordance with prescribed procedures.

8.3.7.2.1 Roadway Modification Standard. While the general standard for roadway design shall be that of the Rules and Regulations Governing the Subdivision of Land, ~~as delineated in section 8.3.7.2 preceding~~, applicants choosing to modify those standards in their submission shall comply with the following general standard: streets and interior drives in an OSRD shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views into and from within the development site, while still being of adequate grade, width and construction.

Comments: Where land is being subdivided, roadway design waivers go right to the definitive plan process before the Planning Board. That’s clear. But where land is NOT being subdivided, a definitive plan is not involved, so the procedural/legal question arises in terms of how roadway design modifications are granted. It is unclear that the power to do this can simply be exported from subdivision to EIDR or usurped by EIDR from subdivision reg.’s. The boxes provide 3 different options for handling this issue procedurally.

OPTION ONE, NO LAND DIVISION: If an OSRD application does not involve subdivision of land, the determination in modifying design standards for OSRD streets and interior drives shall be made by the Planning Board in the EIDR process, provided the Board finds that the streets or interior design is of adequate grade, width and construction.

OPTION TWO, NO LAND DIVISION: If an OSRD application does not involve subdivision of land, the determination in modifying design standards for OSRD streets and interior drives shall be made by the Town Engineer, in administrative consultation with the Planning Board (by means of written Board opinion), the Fire Department and Police Department, who may also submit written opinions.

OPTION THREE, NO LAND DIVISION: If an OSRD application does not involve subdivision of land, the

determination in modifying design standards for OSRD streets and interior drives shall be made by the Town Planner, in administrative consultation with the Planning Board (by means of written Board opinion), the Town Engineer, the Fire Department and Police Department, who may also submit written opinions.

- 8.3.7.3 Pedestrian and Bicycle Circulation.** Where appropriate, walkways and/or multi-purpose trails shall be provided within the OSRD to connect dwellings with parking areas, recreation facilities and open space, and adjacent land uses.
- 8.3.7.4 Visibility of Open Space.** Open space in the OSRD shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- 8.3.7.5 Architectural Design and Neighborhood Compatibility.** In overall scale, building massing, height, choice of exterior materials, and roofline articulation, residential structures in an OSRD shall be reasonably compatible with existing structures in surrounding residential areas, when there is a functional or visual relationship to the proposed structures.
- 8.3.7.6 Cultural Resources.** The removal or disruption of archaeological resources and historic, traditional or significant uses, structures, or architectural elements shall be minimized.
- 8.3.7.7 Stormwater Management.** To the extent practicable, the use of low impact development and soft drainage techniques shall be employed in the design of an OSRD project, subject to compliance with all applicable local and state standards and requirements.
- 8.3.8 Site Specific Design Standards.**
 - 8.3.8.1 Off-street Parking.** All off-street parking in an OSRD shall comply with to the requirements of Section 6.0 in this bylaw.
 - 8.3.8.2 Shared Driveways.** A common or shared driveway shall comply with the requirements in sub-section 6.1.26 and serve not more than four (4) single-family dwellings unless the Planning Board determines that a shared driveway serving more than four units will be consistent with the purposes of this section.
 - 8.3.8.3 Mix of Housing Types.** Any mix of one or more of the three allowed housing types, single family detached, two-family or townhouses, shall be allowed in an OSRD, up to the maximum number of dwelling units permitted under this section.
- 8.3.9 Decision.** OSRD-EIDR approval shall be granted by means of a written site plan review decision, based upon a determination by the Planning Board that the OSRD application meets the criteria below.
 - 8.3.9.1 Standards.** Applicability of individual standards cited below shall be determined by the Planning Board:
 - 8.3.9.1.1** Demonstration of proper and complete application of the OSRD 4-step design process.
 - 8.3.9.1.2** Consistency at the most general level with all applicable elements of the EIDR standards in sub-section 7.37, ~~sub-sections 7.3.7.1 through 7.3.7.21.~~
 - 8.3.9.1.3** Responsiveness to each applicable element of the General Design Standards ~~in sub-section 8.3.8 in this section~~ herein.
 - 8.3.9.1.4** Compliance with the Site Specific Design Standards ~~in sub-section 8.3.9 in this section~~ herein.
 - 8.3.9.1.5** Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.

8.3.9.2 The Planning Board may impose reasonable conditions as part of OSRD-EIDR approval and may require suitable performance guarantees to assure compliance with those conditions.

8.3.9.3 Definitive plan and relation to OSRD-EIDR. As part of the OSRD process, the applicant is obligated to comply with M.G.L. chapter 41, sections 81k through gg, by means of the submission of a definitive plan where land is being subdivided in the OSRD. Said plan shall comply with all applicable requirements of the Westwood Rules and Regulations Governing the Subdivision of Land. The applicant may request, with Planning Board concurrence, a combined hearing process in which the OSRD-EIDR and the definitive plan are heard together, with separate decisions being written and recorded at the conclusion of the process. In such instances, the Planning Board shall hold a public hearing and render a decision within the time periods specified ~~in sub-section 8.3.5.2.2~~ herein. If the applicant chooses to file the definitive plan after granting of the OSRD-EIDR approval, then the Board shall hold a hearing and take action within 135 days from the date of submission, in accordance with section IIIB of the Westwood Rules and Regulations Governing the Subdivision of Land. The definitive plan shall not vary from the OSRD-EIDR site plan in any significant detail or design aspects.

8.3.10 Regulations. The Planning Board may choose to adopt OSRD rules and regulations not inconsistent with this Zoning Bylaw or the laws of the Commonwealth.

2) Amend Section 7.3 [Environmental Impact and Design Review] by adding a new subsection 7.3.2.3 to read as follows:

7.3.2.3 Construction of an Open Space Residential Development (OSRD), under Article 8.3 of this bylaw.

3) Amend Section 2.0 [Definitions] by adding a new subsection 2.96 to read as follows, and renumber sections as appropriate:

2.96 Open Space Residential Development A residential development proposed under the procedures of Article 8.3 of this bylaw, using the 4-step design process described therein and employing the practices established in that section for the design, protection and maintenance of common open space.

4) Amend Section 4.1 [Principal Uses], Subsection 4.1.3 [Residential Uses] by adding a new Subsection 4.1.3.9 to read as follows, with “Y” in columns under districts SRB, SRC and SRE, and with “N” in all other columns:

4.1.3.9 Open Space Residential Development in accordance with Section 8.3

5) Amend Section 4.2 [Notes for Table of Principal Uses] by adding a new Note 10 to read as follows:

10 Open Space Residential Development shall be permitted in the SR B, SR C and SR E 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.

6) Amend Section 5.0 [Dimensional Requirements], Subsection 5.1 [General] by adding a new paragraph at the end of the section, to read as follows:

In the case of an Open Space Residential Development project proposed under sub-article 8.3 in this bylaw, the dimensional and density requirements established therein shall take precedence over those established in section 5.2, TABLE OF DIMENSIONAL REQUIREMENTS for purposes of increased design flexibility and enhanced open space preservation.

7) Amend Section 5.2 [Table of Dimensional Regulations] by adding a new Footnote 13 in the District Column for Section 5.2.2 [SRB], Section 5.2.3 [SRC] and Section 5.2.5 [SRE], and amend Section 5.3 [Notes for Table of Dimensional Regulations] by inserting the text of Footnote 13 at the end of said section to read as follows:

13 See Section 8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT for density and dimensional requirements for OSRD.

Mr. Garber and board members discussed the proposed revisions in depth. Board members expressed concern about the potential density of new development. The board decided to remove the section on townhouses from the OSRD article. Board members were in agreement that allowing townhouses by right would be a substantial change to the Zoning Bylaw, and felt that such a change required more public comment than could be garnered in the limited time remaining before this article must be finalized for Town Meeting. Mr. Garber stated that he would edit this article in keeping with the Board's concerns and would remove all references to townhouses.

Release of Covenants for Autumn Lane Subdivision

Ms. Loughnane informed the board that all improvements have been completed and outstanding obligations have been resolved with the town engineer and DPW. She said that, following the acceptance of Autumn Drive and Autumn Lane by the Board of Selectmen, the surety may be released to the developer.

Upon a motion by B. Montgomery and seconded by J. Wiggin, the board voted unanimously, in favor to release the covenants for Autumn Estates following the acceptance of Autumn Drive and Autumn Lane by the Board of Selectmen.

The meeting adjourned at approximately 11:00 P.M.

The next meeting is Monday, February 8th at 7:30 P.M., at 50 Carby Street.