

**Town of Westwood**  
Commonwealth of Massachusetts

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**PLANNING BOARD**

**NOTICE OF PUBLIC HEARING**

**REVISED 2/10/17**

The Westwood Planning Board will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on **Tuesday, February 28, 2017**, at 7:00 p.m. in the Champagne Meeting Room at 50 Carby Street, Westwood, MA 02090, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map. Articles 1-11 are sponsored by the Planning Board and articles 12-14 have been submitted by citizen petition.

The complete text relative to the proposed amendments is available for inspection between 8:30 a.m. and 4:30 p.m. Monday through Thursday and 8:30 a.m. and 1:00 p.m. on Friday at the office of the Planning Board at 50 Carby Street or during regular business hours at the office of the Town Clerk at 580 High Street, Westwood, MA 02090 or you may visit the Planning Board's webpage at [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us) under "Current Planning Board Applications". Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board.

Westwood Planning Board

**Article 1: Zoning Amendment Related to Non-Medical Marijuana Establishments**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to marijuana establishments, including amendments to Section 2.0 [Definitions], Section 4.1.2 [Table of Principal Uses], and any necessary amendments to Section 7.4 [Registered Marijuana Dispensary], or take any other action in relation thereto:

- 1) Amend Section 2.0 [Definitions] to delete the terms "Other Marijuana Facility" and "Registered Marijuana Dispensary" and to add new definitions for "Medical Marijuana Establishment" and "Non-Medical Marijuana Establishment" to read as follows:

Medical Marijuana Establishment A non-profit entity, lawfully permitted and licensed pursuant to 105 CMR 725 as a Registered Marijuana Dispensary (RMD) 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 Medical Marijuana Establishment 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.

Non-Medical Marijuana Establishment Any facility defined in M.G.L. Ch.94G, Section I, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of marijuana-related businesses, other than a licensed Registered Marijuana Dispensary (RMD) lawfully permitted and licensed pursuant to 105 CMR 725.

- 2) Amend Section 4.1.5.39 and Section 4.1.5.40 to read as follows: *(bold italics indicates new wording)*

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.39 <del>Registered-Marijuana-Dispensary</del> <i>Medical Marijuana Establishment</i> per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.5.40 <del>Other-Marijuana-Facility</del> <i>Non-Medical Marijuana Establishment</i>	N	N	N	N	N	N	N	N	N	N	N	N	N

- 3) Amend Section 7.4 to read as follows: *(bold italics indicates new wording)*

**SECTION 7.4 ~~REGISTERED MARIJUANA DISPENSARIES~~ *MEDICAL MARIJUANA ESTABLISHMENT***

**7.4.1 Purpose.** The purpose of this Section is to assure that *Medical Marijuana Establishments, which shall be limited to* Registered Marijuana Dispensaries (RMDs) *which are lawfully permitted and licensed pursuant to 105 CMR 725*, 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~~ *Medical Marijuana Establishment* shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4.

- 7.4.3 **Application Requirements.** An application for a special permit for a ~~RMD~~-*Medical Marijuana Establishment* shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Board of Appeals.
- 7.4.4 **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~~-*Medical Marijuana Establishment* 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 a report.
- 7.4.5 **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~~-*Medical Marijuana Establishment* 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.
- 7.4.6 **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~~-*Medical Marijuana Establishment* 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 *Medical Marijuana Establishment'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~~-*Medical Marijuana Establishment* Special Permit prior to the Planning Board's issuance of an EIDR Approval for the ~~RMD~~-*Medical Marijuana Establishment* 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.
- 7.4.7 **Findings.** No ~~RMD~~-*Medical Marijuana Establishment* 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.

**Article 2: Zoning Amendment Related to the Number of Allowable Accessory Apartments**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.5 [Accessory Apartments] to amend the limited number of special permits to be issued and in effect in Section 8.5.4 [Limited Number of Special Permits], or take any other action in relation thereto:

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

8.5.4 **Limited Number of Special Permits.** The maximum number of special permits to be issued and in effect shall not exceed two percent (2%) of the current number of single-family and two-family dwelling units in Town. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed.

**Article 3: Zoning Amendment Related to Storage Facility Special Regulations**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related Section 4.1.6.8 [Self-Storage or Mini-Storage Facility] in the Table of Uses, add a new Section 7.6 [Storage Facilities Regulations], and amend the parking requirements for storage facilities in Section 6.1.6.6 , to take any other action in relation thereto (*bold italics denotes new language*):

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

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

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

**SECTION 7.6 STORAGE FACILITY REGULATIONS**

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

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

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

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

**7.6.4 General and Design Requirements.**

- 7.6.4.1 **Landscaping.** In addition to the Screening and Buffer Requirements of Section 6.3, there shall be a minimum landscape area of at least ten feet required along all street frontages with tree plantings approximately every 30 feet.
- 7.6.4.2 **Siting.** No self-storage or mini-storage facility shall be located within 200 feet of the right-of-way of any of the following major roads: University Avenue, Station Drive, Blue Hill Drive, Harvard Street, Everett Street, and Providence Highway (Route 1). No such facility shall be located within one mile of another similar facility unless the Planning Board in its sole discretion grants a waiver of this requirement upon finding that there is a clear need and benefit to the Town demonstrated by a market and occupancy analysis including such other nearby facilities.
- 7.6.4.3 **Accessory Uses.** Accessory uses such as the sale or rental of moving equipment may be permitted by the Planning Board, subject to all other necessary approvals, and shall be appropriately screened. Living quarters for one caretaker or watchmen may be permitted as an

Accessory Use according to the Section 4.3.4.1 provided there are proper provisions for wastewater disposal and at least two dedicated parking spaces.

7.6.4.4 **Street facades.** The design and layout of the street side of a proposed facility shall provide a varied and interesting façade. Considerations shall include the building placement, fenestration, roof design, variations in building walls, and other structural elements.

7.6.4.5 **Building Design.** Storage facilities are permitted only as or within multi-story structures. Buildings shall be designed and situated so that overhead doors and loading areas into such facilities are not visible from any adjacent right-of-way. All individual storage units shall be accessed from the interior of the building.

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

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

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

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

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

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

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

6.1.6.6 Self-Storage or Mini-Storage Facility per Section 7.6.5	Not less than one (1) space for each employee on the largest shift, plus one (1) space per 500 sq. ft. of sales floor area, plus two (2) spaces for any resident manager or caretaker, plus one (1) space per 50 storage units.
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Article 4: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.1 [Table of Principal Uses] and Section 4.3 [Table of Accessory Uses], for amendments related to solar energy facilities, large scale solar and small scale solar, or take any other action in relation thereto:

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

Roof-mounted Solar Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof of a principal building which do not extend or project beyond the principal building’s roof.

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

- 2) Revise Section 4.1.2 [Table of Principal Uses] to delete Section 4.1.7.5 [Large Scale Solar] and Section 4.1.7.6 [Small Scale Solar] in their entirety.

- 3) Revise Section 4.3 [Table of Accessory Uses] to add a new Section 4.3.2.5 [Roof-mounted Solar] and a new Section 4.3.2.6 [Other Solar] to read as follows:

	<b>SRA</b>	<b>SRB</b>	<b>SRC</b>	<b>SRD</b>	<b>SRE</b>	<b>GR</b>	<b>SR</b>	<b>LBA</b>	<b>LBB</b>	<b>HB</b>	<b>I</b>	<b>IO</b>	<b>ARO</b>
Section 4.3.2.5 Roof-mounted Solar <sup>12</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Section 4.3.2.6 Other Solar <sup>12</sup>	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

- 4) Add a new note 1 to Section 4.4 [NOTES FOR TABLE OF ACCESSORY USES] as follows, and renumber subsequent notes as appropriate:

<sup>12</sup>All solar arrays, facilities, and solar photovoltaic installations must comply with applicable setbacks.

Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.1 [Earth Material Movement (EMM)] to change the type of permit from a Special Permit to an Environmental Impact and Design Review (EIDR) in Section 7.3, or take any other action in relation thereto (*bold italics denote new language words to be removed have strikethrough*):

1) Amend Section 7.1.1 by deleting “special Permit” and replacing with “Environmental Impact and Design Review (EIDR) so that Section 7.1.1 reads as follows :

**7.1.1 ~~Special Permit~~ Environmental Impact and Design Review (EIDR) Required.**

No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to ~~an special permit~~ *EIDR Approval* therefor granted by the Planning Board.

2) Add a new Section 7.1.2 as follows, and renumber subsequent sections as appropriate.

**7.1.2 Purpose.** To protect the safety, health and wellbeing of the citizens and property of the Town by regulating the transportation of earth material to and from a property. The intent is to eliminate or minimize harmful impacts to the public ways associated with the movement of earth.

3) Amend Section 7.1.3 by deleting “Special Permit” as follows:

**7.1.3 ~~Special Permit Decision.~~** An EMM ~~Special Permit~~ *EIDR Approval* shall be granted by the Planning Board only upon its written determination that operations conducted under such ~~special permit~~ *EIDR Approval*, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town, and will be in harmony with the general purpose and intent of this Section. No ~~special permit~~ *EIDR Approval* for the movement of earth material (including temporary structures accessory thereto), shall be granted if the Board finds that operations conducted thereunder would:

4) Amend Section 7.1.4 as follows:

**7.1.4 Conditions.** In granting a ~~special permit~~ *an EIDR Approval* hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

5) Amend Section 7.1.5 as follows:



7.1.5 **Fill Material.** A statement may be required from a certified professional to verify the source and content of fill material if the ~~special-permit~~ ***EIDR Approval*** is issued for the placement of fill. The analysis of the content of the fill material may be required so as to detect the presence and quantity of hazardous or substandard materials. This analysis shall be conducted by a certified professional hired by the Planning Board at the expense of the Applicant.

6) Amend Section 7.1.7 to read as follows:

7.1.7 **Time Limit.** No ~~special-permit~~ ***EIDR Approval*** for the export, import and/or regrading of earth material shall be granted for a period of more than ~~one (1)~~ ***two (2)*** years in a Residential District or more than three (3) years in a Nonresidential District, although the ~~special-permit~~ ***EIDR Approval*** may be renewed for additional periods in the same manner as for the initial issuance.

7) Amend Section 7.1.8 to read as follows:

7.1.8 **Exempt Operations.** The movement of earth material in any of the following operations shall constitute an exempt operation and shall not require an EMM ~~special permit~~ ***EIDR Approval***:

8) Amend Section 7.1.9 to read as follows:

7.1.9 **Subdivisions.** The export, import and/or regrading of earth material on any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the export, import and/or regrading of earth material on the premises, even though in connection with the construction of streets and the installation of municipal services shown on a subdivision plan, and an EMM ~~Special Permit~~ ***EIDR Approval*** shall be required pursuant to this Section.

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

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

Article 6: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.4 [Exterior Lighting] to clarify the height limit for wall mounted fixtures for nonresidential properties, limit the hours for exterior lighting at nonresidential properties, and identify security and non-security lighting on the exterior lighting plan, or take any other action in relation thereto (***bold italics denote new language words to be removed have strikethrough***):

1) Add a new Section 6.4.4.6 to read as follows:

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

2) Amend Section 6.4.6 to read as follows:

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

3) Add a new Section 6.4.12 as follows:

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

Article 7: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures], or take any other action in relation thereto:

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

#### **4.5 NONCONFORMING USES AND STRUCTURES**

**4.5.1 Applicability.** This Section shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. Chapter 40A, Section 5 at which this Bylaw, or any relevant part thereof, was adopted. Nonconforming uses and structures are defined as those that are in existence lawfully at the time they are created, provided that no modification or alteration of the use or structure is accomplished, unless authorized hereunder. Alterations are defined as those that do not increase the nonconforming nature of said use or structure as further defined in Sections 4.5.2.1 and 4.5.3.1.

#### **4.5.2 Nonconforming Uses.**

**4.5.2.1 Permitted Alterations of Nonconforming Uses.** A structure that conforms dimensionally to current zoning regulations while its use no longer conforms, can be altered without needing a special permit if the Building Commissioner determines that the proposed alteration is not a substantial extension of such nonconforming use.

**4.5.2.2 Special Permit Required for Alteration to Nonconforming Use.** The Board of Appeals may grant a special permit to modify, alter or extend a

nonconforming use in accordance with this Section only if it determines that such modification, alteration or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and the town. The Board must find that the proposed use reflects the nature and purpose of the prior use, there is no difference in the quality, character or degree of the proposed use, and the proposed use is not different in kind in its effect on the neighborhood.

#### 4.5.3 Nonconforming Structures.

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

4.5.3.1.1 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot area, where the alteration will also comply with all of said current requirements.

4.5.3.1.2 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot frontage, where the alteration will still comply with all such current requirements.

4.5.3.1.3 Alteration to a structure which violates one (1) or more required setbacks, where the alteration will now comply with all current setback, yard, building coverage and building height requirements regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.1.4 Alteration to the side or face of a structure which violates a required setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure, and will comply with building height restrictions, regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.1.5 Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

4.5.3.2 **Special Permit Alterations of Nonconforming Structures.** In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure does not meet the requirements of Section 4.5.3.1, the

Board of Appeals may grant a special permit to make alterations to a nonconforming structure in accordance with this Section only if it determines that such extension, alteration or change does not substantially increase the nonconforming nature of said structure and would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered for a special permit by the Board of Appeals:

4.5.3.2.1 Horizontal extension of an exterior wall at or along the same nonconforming distance within a required setback as the existing wall, provided that existing height restrictions shall not be exceeded, regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.2.2 Vertical extension of an existing exterior wall at or along the same or greater distance from a lot line, provided that the structure has a building height of no more than twenty-five (25) feet, if constructed on a lot that does not comply with current lot area and/or lot frontage requirements, or a building height no greater than permitted by this Bylaw if constructed on a lot that complies with current lot area and/or lot frontage requirements.

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

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

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

4.5.3.4.2 The building as reconstructed:

4.5.3.4.2.1 Shall be located on the same footprint as the original structure, and shall only be as great in volume or area as the original nonconforming structure; or

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

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

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

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

Article 8: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 5.5.5 [Corner Clearance], to prohibit fences from being located within a certain distance from intersections, or take any other action in relation thereto:

1) Amend Section 5.5.5 to read as follows:

5.5.5 **Corner Clearance.** No building, structure, fence, planting or other similar obstruction greater than three (3) feet in height shall be located within fifteen (15) feet of any street intersection measured at the edge of the pavement from their point of intersection so as to not interfere with traffic visibility and sight lines across corners.

Article 9: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 10.1.6 [Penalty for Noncriminal Complaint] to increase the penalty for a violation from \$100.00 to up to \$300.00 for each offense, or take any other action in relation thereto.

1) Amend Section 10.1.6 to read as follows: *(bold italics denote new language words to be removed have strikethrough)*

**Penalty for Noncriminal Complaint.** In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be ~~one~~ **up to three** hundred dollars (~~\$100~~ **300.00**) for each offense. Each day that such violation continues shall constitute and be considered a separate offense.

- 1) Article 10: To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 9.7 [University Avenue Mixed Use District (UAMUD)] and Section 9.7.5 [Water Resources Protection Overlay District (WRPOD) Requirements], to amend the allowable snow and ice removal products and approval process or take any other action in relation thereto. Amend Section 9.7.4.4.2. b [Accessory Uses Permitted By Special Permit] to delete the words “but not sodium chloride” as follows:
  - b. Storage of calcium chloride, chemically treated abrasives or other chemicals, ~~but not sodium chloride~~, solely to be used for the removal of snow or ice on the roadways, walkways, or parking lots within the UAMUD project area, provided that these chemicals are stored in a structure with an impermeable cover and impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.
- 2) Amend Section 9.7.5.2.8 [Storage and Use of Snow Removal Materials] to remove the words “but not sodium chloride” and add “other alternative” to read as follows:

**Storage and Use of Snow Removal Materials.** Within any portion of the UAMUD project area within the WRPOD, the storage of calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways, ~~but not sodium chloride~~, may be allowed by special permit, consistent with Section 9.7.4.4.2.b, provided that these chemicals are stored in a structure with an impervious cover and on an impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. In addition, only calcium chloride or *other alternative* shall be used in such areas, provided that the ~~Town Planner~~ Planning Board, after consultation with the Dedham Westwood Water District, may approve in writing the use of a snow removal agent shown to be less harmful to the environment.

Article 11: To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct any errors or inconsistencies, including without limitation the correction of one or more erroneous section references, update the footnotes in Section 4.1 [Table of Principal Uses], and update the Official Zoning Map to remove an area depicted as a road without a zoning designation (bold italics denote

new language words to be removed have strikethrough):1) Renumber and reorder the notes in Section 4.2 [NOTES TO TABLE OF PRINCIPAL USES] to correspond to the correct use in the table.

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

Retail sales and services in the Industrial and Industrial-Office Districts between ~~15,000~~ 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.

Petitioner's Article:

Article 12: To see if the Town will vote to approve a zoning amendment to add a new Section 8.6 [Residential Demolition Moratorium] to impose a one year moratorium for the demolition of residential dwellings under certain circumstances, or take any other action in relation thereto:

To see if the Town will impose a moratorium against demolishing dwellings for a period of three (3) year. This regulation will curtail the building of a new, larger structure and priced so as to put out of reach for entry level buyers.

Exclusion:

A building that has suffered severe damage from a fire and is considered a total loss.

A building that has suffered severe damage from an explosion and is considered a total loss.

A building that has been condemned by the Westwood Health Department, or, the Building Department that is considered a public hazard.

Any like incident which will cause the building uninhabitable which would cause the building to be demolished.

Restrictions:

Any buyer of a dwelling in Westwood would be restricted by the Town of Westwood regulations from demolishing the building for a period of one year (1) from date of purchase and being recorded I the Norfolk Registry of Deeds.

Appeal:

Any aggrieved party may appeal for a exemption to this regulation by submitting an application for exemption to this regulation to the Board of Selectmen or appointee's said appeal shall be heard as soon as possible.

Petitioner's Article:

Article 13: To see if the Town will vote to approve certain zoning amendments to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] to eliminate multi-family residential uses within the FMUOD6 (Washington Street Business District) and FMUOD7 (High Street Business District) and remove reference to the percentage of Residential Units in Section 9.5.13, or take any other action in relation thereto:

- 1) Delete Sections 9.5.8.7, 9.5.8.7.1, 9.5.8.8 and 9.5.8.8.1 in their entirety;
- 2) Remove references to FMUOD6 and FMUOD7 Section 9.5.13 so that the revised Section 9.5.13 reads as follows:

**9.5.13 Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than thirty-three (33%) of the total gross floor area of any project within FMUOD 1, and no more than fifty percent (50%) of the total gross floor area of any project within FMUOD3, except that age-restricted dwelling units for persons 55-years or older permitted within FMUOD 3 may occupy up to 100% of the total gross floor area of a project. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board’s acceptance of a fiscal impact report demonstrating that said residential units will have no significant negative impact on the town. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed the approved percentage of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use. Residential units shall be located on upper stories unless the Planning Board determines that a combination of first floor upper floor residential units are acceptable in a particular development.

- 3) Renumber all sections as appropriate.

Petitioner’s Article:

Article 14: To see if the Town will vote to approve certain zoning amendments to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] to remove footnote marked 1 relative to “minimum project area” in Section 9.5.9 [Alternative Dimensions], or take any other action in relation thereto:

**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.

		<u>FMUOD</u> <u>1</u>	<u>FMUOD</u> <u>2</u>	<u>FMUOD 3</u>	<u>FMUOD</u> <u>4</u>	<u>FMUO</u> <u>D 5</u>	<u>FMUO</u> <u>D 6</u>	<u>FMUOD</u> <u>7</u>
9.5.9.1	Minimum Project Area	10 acres <sup>1</sup>	5 acres <sup>1</sup>	10 acres <sup>1</sup>	5 acres <sup>1</sup>	5 acres <sup>1</sup>	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000	15,000	15,000	15,000	15,000	4,000	4,000



		sq. f.t.	sq. f.t.	sq. f.t.	sq. f.t.	sq. f.t.	sq. f.t.	sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>2</sup>	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 <sup>3</sup>	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 (feet)	100	20	50	50	50	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

<sup>1</sup> Minimum project area shall include contiguous parcels and parcels separated by a roadway or railroad right-of-way that are effectively contiguous.

<sup>2</sup> 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 seventy-eight and one-half (178.5) feet above sea level.

<sup>3</sup> 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.

The complete text relative to the proposed amendments is available for inspection between 8:30 a.m. and 4:30 p.m. Monday through Thursday and 8:30 a.m. and 1:00 p.m. on Friday at the office of the Planning Board at 50 Carby Street or during regular business hours at the office of the Town Clerk at 580 High Street, Westwood, MA 02090 or you may visit the Planning Board’s webpage at [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us) under “Current Planning Board Applications”. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board.

Westwood Planning Board

TOWN CLERK  
 TOWN OF WESTWOOD  
 2017 FEB 10 AM 11:56

*Westwood Press Advertising Dates: Friday, February 10, 2017 and Friday, February 17, 2017.*

