

Town of Westwood
Commonwealth of Massachusetts

Christopher A. Pfaff, Chair
David L. Atkins, Jr., Vice Chair
Kathleen Wynne, Secretary
Ellen Larkin Rollings
Thomas P. McCusker



Abigail McCabe, AICP, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Karyn Flynn, Land Use & Licensing Specialist
kflynn@townhall.westwood.ma.us
(781) 767-6344

PLANNING BOARD

**NOTICE OF PUBLIC HEARING
ZONING AMENDMENTS**

The Westwood Planning Board will hold a remote public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5, and Governor Baker’s June 16, 2021 order extending certain provisions of the Open Meeting Law M.G.L. Chapter 30A, §18 on **Tuesday, February 1, 2022 at 7:00 PM via at Zoom**, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map. More information including the proposed text and maps of the articles is available on the Planning Division’s webpage under Current Plans and Applications at www.westwoodpermit.org.

The meeting will be filmed live by Westwood Media Center (WMC) available for viewing on Comcast channel 12 and Verizon channel 42 and on WMC’s YouTube. Those wishing to participate are encouraged to use Zoom by following the instructions below or by going to [https://zoom.us/](https://zoom.us) clicking on ‘join meeting ’and entering the meeting webinar ID 850 7322 8148.

Direct Zoom Link:

<https://us02web.zoom.us/j/85073228148?pwd=SUZYvbjVWWU9GY1N4cklqMEZYZTZMz09>

Enter your Email, Name, and Passcode: 726927

Or Toll Free Telephone: 877 853 5257 or 888 475 4499

Webinar ID: 850 7322 8148

A final meeting agenda will be posted in advance. To view the meeting agenda and zoom information visit the calendar on the Town’s website at: <https://www.townhall.westwood.ma.us/home> or sign up to receive email notifications for the Planning Board when meetings are posted at <https://www.townhall.westwood.ma.us/our-town/stay-connected/website-e-notification>

Article 1: Zoning Bylaw & Zoning Map Amendments Relative to Mixed-Use & Multi-Family Residential Overlay Districts

To see if the Town will vote to approve certain amendments to the Zoning Bylaw by adding a new Section 9.9 [Mixed-Use & Multi-Family Residential Overlay District] pursuant to Chapter 358 of the Acts of 2020 amendments to M.G.L. Chapter 40A for MBTA Communities, and amending the Official Zoning Map to include a Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) encompassing certain parcels identified within the proposed Section 9.9; as set forth below, or take any other action in relation thereto. For initial discussion purposes, the following parcels are included in the proposed new MUMFROD overlay district, however, the number and locations of parcels may be change during the

course of the public hearing, and any parcel within Westwood may be considered for inclusion within the proposed MUMFROD overlay district: 22 Everett Street (Assessor's Map 23, Lot 226); Everett Street (Assessor's Map 23, Lot 227); 85-91 University Avenue (Assessor's Map 33, Lot 19); 95 University Avenue (Assessor's Map 33, Lot 54); 120 & 130 University Avenue (Assessor's Map 33, Lot 56).

- 1) Add a new Section 9.9 [Mixed-Use & Multi-Family Residential Overlay District] as follows:

SECTION 9.9 MIXED-USE & MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT

9.9.1 **Purpose.** The purpose of the Mixed Use & Multi-Family Residential Overlay District (MUMFORD) is as follows:

- 9.9.1.1 To promote a village-style mix of retail, restaurants, offices, civic uses and multi-family in select commercial areas;
- 9.9.1.2 To reduce auto dependency by providing opportunities for upper-story and multi-family housing near the commuter rail, bus stops, and Amtrak station;
- 9.9.1.3 To promote family supportive housing by encouraging development designed for families with children;
- 9.9.1.4 To help alleviate traffic congestion by allowing more housing near public transportation;
- 9.9.1.5 To ensure pedestrian-friendly development by permitting higher density housing in areas which are walkable to public transportation, shopping, and local services;
- 9.9.1.6 To respond to Town and regional need for family affordable housing by providing more variety of housing types with affordability requirements;
- 9.9.1.7 To generate positive tax revenue by providing as-of-right redevelopment opportunities at underutilized properties and encourage mixed-use redevelopment to provide a customer base for local businesses;
- 9.9.1.8 To encourage economic investment for the redevelopment of underutilized properties;

- 9.9.1.9 To guide development toward previously developed areas to protect undisturbed natural resources;
- 9.9.1.10 To provide opportunities for a more diversified housing stock and more affordable housing units in Westwood as identified in the 2020 Comprehensive Plan Housing Section objective 1, implementing action H1 and Westwood’s 2019 Housing Production Plan Goals 6, 7, 8, & 9.
- 9.9.1.11 To ensure compliance with Chapter 40A, Section 3A of the Zoning Act applicable to MBTA Communities.

9.9.2 Location. The Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) is herein established as an overlay district as shown on the Official Zoning Map and as described herein. The MUMFROD shall include the following specific parcels, as shown on the Westwood Board of Assessors’ Map, as of January 1, 2022:

- Parcel 23-226 (22 Everett Street);
- Parcel 23-227 (Everett Street);
- Parcel 33-019 (85-91 University Avenue);
- Parcel 33-054 (95 University Avenue); and
- Parcel 33-056 (120 & 130 University Avenue).

9.9.3 Granting Authority. The Planning Board shall be the granting authority for all approvals under this Section. Multi-family residential units and mixed-use development, including any one or more of the specific uses set forth in Section 9.8.5, may be permitted to the extent authorized under a MUMFROD Environmental Impact & Design Review (MUMFROD-EIDR) Approval in compliance with the provisions of this Section. Applications exceeding the maximum residential density set forth in Section 9.9.6.1 shall require a MUMFROD Special Permit from the Planning Board. Any EIDR approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into the MUMFROD-EIDR Approval of MUMFROD Special Permit and no separate EIDR Approval shall be required.

9.9.4 Regulations and Application Fees. The Planning Board shall adopt Rules and Regulations and reasonable Applications Fees for the administration of this Section. Such Rules and Regulations shall include, but not be limited to, the following: application and submittal requirements, application fees, review procedures, reimbursement for consultants, performance guarantees, and procedures for the consideration of MUMFROD-EIDR Approval and MUMFROD Special Permit extensions. All applications submitted under this Section require a public hearing with notification to the Parties of Interest including abutter

notification consistent with the Board's Rules and Regulations and M.G.L. Chapter 40A, Section 9 and 11.

9.9.5 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the MUMFROD may be used for any purpose permitted as of right or by special permit in the underlying district. In addition, a mix of the following residential and non-residential uses, to the extent authorized under this Section, are permitted as-of-right upon grant of a MUMFROD EIDR approval by the Planning Board. Any use not listed below as specifically permitted in a MUMFROD development is deemed prohibited.

- 9.9.5.1 Multi-Family Residential Dwelling Units (per density requirements of Section 9.9.6)
- 9.9.5.2 Bank, Financial Institution
- 9.9.5.3 Child Care Facility
- 9.9.5.4 Coffee Shop
- 9.9.5.5 Educational Use
- 9.9.5.6 Ice Cream Parlor
- 9.9.5.7 Institutional Use
- 9.9.5.8 Office of a Health Care Professional
- 9.9.5.9 Personal Services Establishment
- 9.9.5.10 Pet Care Facility
- 9.9.5.11 Professional Services Establishment
- 9.9.5.12 Recreation Facility, Indoor or Outdoor
- 9.9.5.13 Restaurant, with or without entertainment
- 9.9.5.14 Retail Sales & Services
- 9.9.5.15 Accessory parking and accessory parking structures to any of the above permitted uses
- 9.9.5.16 Accessory uses such as solar arrays, sports courts, outdoor seating, patios, and recreational play areas

9.9.6 **Residential Density Allowances.** Maximum residential densities shall be as specified below:

9.9.6.1 Multi-Family Residential Dwelling Units at a maximum density of 15 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval.

9.9.6.2 Multi-Family Residential Dwelling Units at a density exceeding 15 units per acre shall require a MUMFROD Special Permit, which may be issued at the discretion of the Planning Board. Any residential units over and above 15 units per acre shall be subject to the Fiscal Analysis submittal requirement outlined in Section 9.9.12.10.

In the case of a mixed-use MUMFROD development where all residential units are located on upper stories above first floor commercial uses, the maximum residential density shall be calculated by dividing the aggregate lot area of all parcels within the MUMFROD development by the total number of residential units. In all other cases, the residential density shall be calculated by dividing only that portion of the lot area which is attributable to residential development by the total number of residential units in the MUMFROD development.

9.9.7 **Dimensional Requirements.** Projects approved pursuant to this Section shall adhere to the following dimensional requirements, rather than the dimensional requirements associated with the underlying district. The Planning Board shall review each project’s dimensions to determine the best project for the specific site, and allow deviations from one or more of these dimensional requirements through the issuance of a MUMFROD Special Permit. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access. More than one building shall be permitted on any lot.

| | |
|----------------------------|-----------|
| Minimum Project Area | 40,000 SF |
| Minimum Lot Area | 10,000 SF |
| Maximum Building Height | 45 ft. |
| Minimum Street Frontage | 50 ft. |
| Minimum Lot Width | 50 ft. |
| Minimum Front Setback | 10 ft. |
| Minimum Side Yard Setback | 10 ft. |
| Minimum Rear Yard Setback | 20 ft. |
| Maximum Impervious Surface | 80% |

9.9.8 **Parking Requirements.** Off-Street parking shall be provided to meet the following minimum requirements:

- 9.9.8.1 Residential Units - 1.25 spaces per unit;
- 9.9.8.2 Restaurants - 1 space per every four seats, plus 1 space for every two employees; and
- 9.9.8.3 All Other Uses - Number of parking spaces shall be determined by the Planning Board.

Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2 [Table of Parking Requirements], where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. In making such a determination, the Planning Board may consider complementary uses and activities, proximity and safe access to public transportation, transportation demand management (TDM) measures, and such other means as may be considered applicable by the Board in its discretion.

All surface parking shall be located at the rear or side of buildings and no parking spaces shall be located between a building and the street. Landscaping and design standards for parking areas set forth in Section 6.1 [Off-Street Parking] shall apply.

9.9.9 **Playground and Recreational Areas.** Any MUMFROD development project that includes fifty (50) or more residential dwelling units shall provide an outdoor play area or common space. The play area or common space shall be appropriate for use by families with children and shall include such features as swings, slides, jungle-gyms, and/or similar play features, as well as tables and chairs or benches. Such facilities shall be constructed to Universal Design standards and accessible to all users.

9.9.10 **Affordability Requirements.** Where any project authorized under this bylaw will result in the development of at least eight (8) new residential dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the MUMFROD project unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs after consultation with the Westwood Housing Partnership and the Westwood Housing Authority. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said dwelling units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity. All affordable units shall be indistinguishable from market rate units within the same development and shall be scattered throughout a project.

| <u>Total Number of Dwelling Units</u> | <u>Minimum Number of Affordable Dwelling Units</u> |
|---------------------------------------|--|
| 1 to 7 units | 0 |
| 8 to 9 units | 1 |
| 10 to 15 units | 2 |
| 16 to 22 units | 3 |
| 23 to 26 units | 4 |
| 27 or more units | 15% of the total number of dwelling units, rounded up to the next whole number |

9.9.11 **Number of Bedrooms.** Residential portions of MUMFROD projects where more than eight (8) residential units are proposed shall have at least 10% of the total number of residential units as three (3) bedroom units to provide family supportive housing.

9.9.12 **Application Procedures.** The following procedures shall apply in the submission, review, and consideration of any application for development under this Section, as further detailed in the Planning Board’s Rules and Regulations.

9.9.12.1 **Submittal Requirements.** To assist the Planning Board in its evaluation of an application for MUMFROD-EIDR Approval or MUMFROD Special Permit submitted hereunder, the Applicant shall submit the following materials at the time of application, except to the extent waived by the Planning Board:

9.9.12.2 **Site Plan.** The site plan shall be prepared by a Registered Professional Engineer or Registered Professional Land Surveyor and shall show the following information, except to the extent waived by the Planning Board:

9.9.12.2.1 Existing and proposed plantings, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;

9.9.12.2.2 Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;

- 9.9.12.2.3 Dimension and location of existing and proposed buildings and structures;
 - 9.9.12.2.4 Existing topography, including any proposed grade changes;
 - 9.9.12.2.5 Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points, bicycle parking, bicycle indoor storage;
 - 9.9.12.2.6 Storm drainage, including direction of flow and means of ultimate disposal;
 - 9.9.12.2.7 Provisions for sanitary sewerage and water supply, including fire protection measures;
 - 9.9.12.2.8 Location of all utilities, signage, outdoor storage, recycling and trash disposal areas; and
 - 9.9.12.2.9 Landscape Plan showing existing and proposed plantings, including table showing number, species, and size of all proposed new plantings, as well as description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, whether in relation to temporary access, utility installation, or any other aspects of construction.
- 9.9.12.3 **Exterior Lighting Plan.** The Exterior Lighting Plan shall show the information as required in Section 6.4.4 [Exterior Lighting Plan] of this Bylaw, except to the extent waived by the Planning Board.
- 9.9.12.4 **Traffic Study.** The Traffic Study shall be prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board, except to the extent waived by the Planning Board.
- 9.9.12.5 **Drawings/Renderings.** A drawing or rendering of the proposed building, including color and type of surface materials showing front, rear and side elevations.
- 9.9.12.6 **Photographs.** Photographs showing any existing structures to be altered, the proposed building site and surrounding properties. Applications for

alterations and additions shall include photographs showing each existing structure to be altered and its relationship to adjacent properties.

9.9.12.7 **Impact Statement.** An explanation of how each of the Building & Design Standards cited in Section 9.7.13 is incorporated into the design of the proposed development. Where a particular standard is not applicable a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or federal regulations may be accepted as a substitute in lieu of this statement.

9.9.12.8 **Exterior Material Samples.** A sample of proposed exterior materials shall be presented to the Planning Board to demonstrate the proposed composition, color and texture of each architectural element. An electronic digital submission of the material's board shall be submitted at the time of the application filing and a physical material board shall be provided at the public hearing.

9.9.12.9 **Drainage & Stormwater Report.** A report detailing stormwater drainage, including direction and flow and means of ultimate disposal. Stormwater drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection.

9.9.12.10 **Fiscal Analysis.** All MUMFROD Special Permit applications requesting a residential density greater than 15 units per acre, shall submit a fiscal analysis demonstrating that the additional proposed residential units will have no significant negative fiscal impact to the Town.

9.9.13 **Building & Design Standards.** The following standards shall be utilized by the Planning Board to review and evaluate all applications pursuant to this Section. These standards are intended to provide a frame of reference for the Applicant in the development of their project and building plans as well as criteria for review by the Planning Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in this Section shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to the principal buildings or structures.

9.9.13.1 **Preservation of Landscape.** The landscape shall be preserved in

its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.

9.9.13.2 **Relation of Buildings to Environment.** The proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.

9.9.13.3 **Open Space.** All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

9.9.13.4 **Circulation, Traffic Impact, Pedestrian Access and Features.** With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle and bicycle parking areas and the effect thereof upon the use and enjoyment of proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets. Each proposed facility shall have bicycle and stroller parking, and shall make adequate provisions for the convenience of vehicular and pedestrian movement within the site and over clear accessible routes to nearby streets, sidewalks, and public transportation.

9.9.13.5 **Stormwater Drainage and Erosion Control.** Special attention shall be given to proper site surface drainage (i) so that removal of surface waters will not adversely affect neighboring properties or

the public storm drainage system and (ii) so as to minimize any adverse impact upon nearby “downstream” properties. Stormwater shall be removed from all roofs, canopies and paved areas in compliance with the stormwater management standards adopted and from time to time amended by the Massachusetts Department of Environmental Protection. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post-development erosion controls must be implemented and maintained where necessary.

9.9.13.6 **Advertising Features.** The size, location, design, color texture, lighting and materials of all permanent signs and shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Signage for commercial uses shall be regulated pursuant to Section 6.2 [SIGNS] applying the Local Business (LBA) and Local Business B (LBB) districts, specifically Section 6.2.6 [Signs Allowed in Local Business A (LBA) and Local Business B (LBB) Districts], and Section 6.2.10 [Illumination and Movement], unless another alternative is presented and approved by the Planning Board.

9.9.13.7 **Special Features.** Storage areas, service areas, truck loading areas, utility buildings, and other accessory structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required by the Planning Board to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.

9.9.13.8 **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased

congestion in nearby residential neighborhoods.

- 9.9.13.9 **Heritage.** With respect to the Town's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- 9.9.13.10 **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.
- 9.9.13.11 **Energy Efficiency.** To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- 9.9.13.12 **Detrimental Effects.** No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.
- 9.9.13.13 **Nearby Properties.** Nearby properties shall be protected against detrimental uses on the site.
- 9.9.13.14 **Specific Standards Washington Street.** Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values in the Washington Street area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and

window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements. All buildings along Washington Street shall have a principal façade and operable entrance facing the street.

- 9.9.13.15 **Exterior Materials.** Exterior walls for the project shall use a combination of architectural masonry materials, including but not limited to brick, glass, stone, stucco, exterior insulation and finishing system (EIFS), high quality siding and shingles, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Stainless steel shall be used solely as accents at entrances or windows, unless otherwise allowed by the Planning Board. Extreme colors shall not be used except as accents at entrances.
- 9.9.13.16 **Rooftop Mechanical Features.** Rooftop mechanical features including heating and air condition units, vents, stacks, mechanical penthouse(s) shall be screened from view at street level by the use of parapet walls or similar screening elements.
- 9.9.13.17 **Air Quality.** Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental Protection Agency (EPA) under the Clean Air Act, and any use required to apply to the Massachusetts Department of Environmental Protection under 310 CMR 7.00 or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.
- 9.9.13.18 **Plants and Animals.** Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program, or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a MBD special permit must include documentation to the Planning Board of having consulted with the Conservation Commission and the Massachusetts Natural Heritage Program regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible

efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.

- 9.9.13.19 **Vibration.** Except for blasting and other activities within the jurisdiction of the Board of Fire Prevention Regulations, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11 (18) for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.
- 9.9.13.20 **Electrical Disturbances.** No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- 9.9.13.21 **Historic and Archaeological Sites.** Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Massachusetts Register of Historic Places. An application for a MUMFROD-EIDR Approval or MUMFROD Special Permit shall include documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.
- 9.9.13.22 **Solid Waste.** Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction, and must make permanent arrangement for satisfactory on-site storage of refuse and recycling materials pending their removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- 9.9.13.23 **Water Quality.** Any development under this Section which lies within the Water Resources Protection Overlay District (WRPOD) and which involves a use requiring a special permit under Section 9.3 shall be reviewed pursuant to Section 9.3 with the Planning Board designated as the special permit granting authority. Any use which is prohibited in the Water Resources Protection Overlay District (WRPOD) pursuant to Section 9.3 shall be prohibited in the MUMFROD.

9.9.14 **MUMFROD-EIDR Approval Decision & Conditions.** A MUMFROD-EIDR Approval shall be granted upon the determination of the Planning Board that the application meets the objectives cited in the purpose of this Section and that the proposal is in conformance with requirements of this Section. The Planning Board may impose reasonable conditions, safeguards or limitations on design, time or use at the expense of the Applicant, to promote these objectives and serve the purposes of this Section. The Board may require a performance guarantee to ensure compliance with these conditions.

9.9.15 **Special Permit Decision.** A MUMFROD Special Permit shall be granted upon the determination of the Planning Board that the application meets the objectives cited in the purpose of this Section, that the proposal is in conformance with requirements of this Section, and upon the following positive findings:

9.9.15.1 In cases where a MUMFROD Special Permit allows for residential density in excess of 15 units per acre, the Planning Board must find that the higher residential density is necessary for the project's feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. Additionally, the Board must find that the fiscal impact from the additional residential units will not have a significant negative fiscal impact on the Town, or that that the Applicant has appropriately mitigated any negative fiscal impact so as to render the project sufficiently beneficial to the Town.

9.9.15.2 In cases where a MUMFROD Special Permit allows for deviations from dimensional requirements of this Section, the Planning Board must find that the alternate dimensional requirements result in an improved project design, and that the resultant project will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole.

9.9.16 **Modifications.** Once a MUMFROD-EIDR Approval or MUMFROD Special Permit has been granted by the Planning Board, any subsequent changes which the Building Commissioner determines to be more than minor in nature, shall require the Planning Board's consideration of a modification of the MUMFROD-EIDR Approval or MUMFROD Special Permit at a duly noticed public meeting. If the Building Commissioner determines that such changes will substantially affect or alter the visual appearance of the building facade or roof or will substantially affect

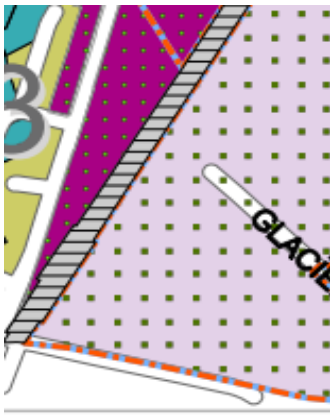
or alter traffic flow or modify the site plan, said changes shall require the Planning Board's consideration of a formal Amendment of the MUMFROD-EIDR Approval or MUMFROD Special Permit at a new public hearing. Alterations determined by the Building Commissioner to be minor in nature, shall be reviewed and considered for approval by the Town Planner. Application and submittal items shall be the same as set forth in this Section. The Town Planner, within 21 days of receipt of a complete application, shall review the application and submittal items for conformance with the standards set forth herein, and shall issue an Administrative Approval, an Administrative Approval with Conditions, or an Administrative Denial of said application. In the case of an Administrative Approval with Conditions or an Administrative Denial, the applicant may apply to the Planning Board for further consideration of the MUMFROD-EIDR Modification Application in the course of a duly noticed public hearing.

9.9.17 **Lapse.** A MUMFROD-EIDR Approval or MUMFROD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of said approval or special permit by the Planning Board. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.

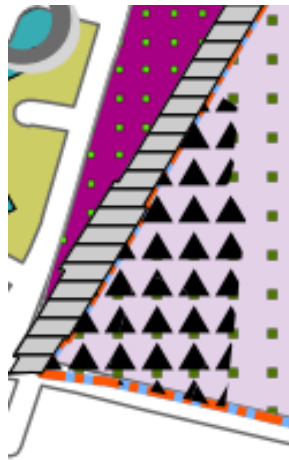
9.9.18 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for an approval or special permit hereunder shall contain an agreement by the Applicant to that effect.

2) Amend the Official Zoning Map to add Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) over 22 Everett Street (Map 23, Lot 226); Everett Street (Map 23, Lot 227); 85-91 University Avenue (Map 33, Lot 019); 95 University Avenue (Map 33, Lot 054); 120 & 130 University Avenue (Map 33, Lot 056).

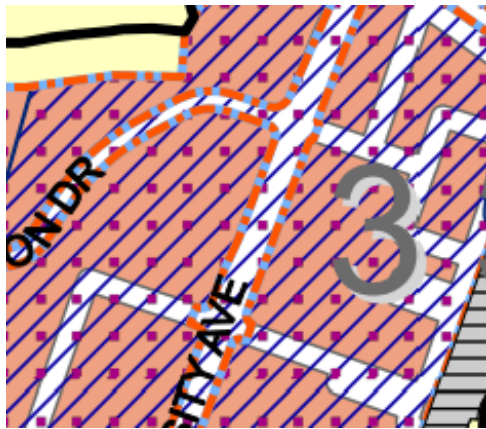
Existing Zoning at Map 23
Lots 226 & 227



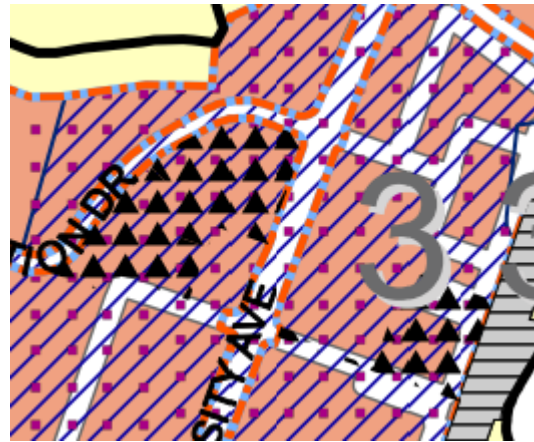
Proposed Zoning at Map 23
Lot 226 & 227



Existing Zoning at Map 33, Lots 019,
054, 056



Proposed Zoning at Map 33, Lots 019,
054, 056



Article 2: **Zoning Amendments Relative to Permitting and Approval of Solar Arrays**

To see if the Town will vote to approve certain amendments to the Zoning Bylaw related to the permitting and approval process for solar energy facilities as accessory and principal uses, by amending Section 2.0 [Definitions] for “Roof-mounted Solar” and “Other Solar Array” and adding new definitions to Section 2.0, including but not limited to a definition for “Large-scale Solar”; amending Section 4.1.2 [Table of Principal Uses]; and Section 4.3.1 [Table of Accessory Uses]; amending Section 7.3 for Environmental Impact & Design Review; and by adding a new Section 7.7 [Solar Design Review and Approval]; as set forth below, or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown with strikethrough.)

- 1) Amend Section 2.0 [DEFINITIONS] as follows:

Ground-mounted and Other Solar Any solar energy system which does not meet the definition of “Roof-mounted Solar” or “Large Scale Solar”.

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

- 2) Add new definition to Section 2.0 [DEFINITIONS] as follows:

Large Scale Solar Any solar energy system which is not a “Roof-mounted Solar” and which occupies more than 10,000 square feet of surface area or has a capacity greater than 250 kW DC.

- 3) Amend Section 1.1.2 [Table of Principal Uses] to add new 4.1.7.5, 4.1.7.6, and 4.1.7.7 as follows and renumber subsequent sections as needed:

| PRINCIPAL USE | DISTRICTS | | | | | | | | | | | | |
|---|-----------|-----|-----|-----|-----|----|----|-----|-----|----|---|----|-----|
| | SRA | SRB | SRC | SRD | SRE | GR | SR | LBA | LBB | HB | I | IO | ARO |
| 4.1.7 OTHER USES | | | | | | | | | | | | | |
| 4.1.7.5 Ground-mounted and Other Solar pursuant to Section 7.7 ¹⁰ | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 4.1.7.6 Roof-mounted Solar ¹⁰ | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 4.1.7.7 Large Scale Solar pursuant to Section 7.7 ¹⁰ | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |

- 4) Add new Note 10 to Section 4.2 NOTES FOR TABLE OF PRINCIPAL USES as follows:

¹⁰ All solar energy systems must comply with Section 5.0 [DIMENSIONAL REQUIREMENTS], and 5.2 [TABLE OF DIMENSIONAL REQUIREMENTS], including minimum setback requirements for the district in which they are installed.

- 5) Amend Section 4.3.1 [Table of Accessory Uses] as follows:

| ACCESSORY USE | DISTRICTS | | | | | | | | | | | | |
|--|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | SRA | SRB | SRC | SRD | SRE | GR | SR | LBA | LBB | HB | I | IO | ARO |
| 4.3.2 ACCESSORY USES IN ALL DISTRICTS | | | | | | | | | | | | | |
| 4.3.2.6 Roof-mounted Solar ³ | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 4.3.2.7 Ground Mounted & Other Solar pursuant to Section 7.7 ³ | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> | BA <u>Y</u> |
| 4.3.2.8 <u>Large Scale Solar pursuant to Section 7.7³</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |

6) Amend footnote 3 under Section 4.4 [NOTES FOR TABLE OF ACCESSORY USES] as follows:

³ All solar energy systems must comply with Section 5.0 [DIMENSIONAL REQUIREMENTS], and 5.2 [TABLE OF DIMENSIONAL REQUIREMENTS], including minimum setback requirements for the district in which they are installed.

7) Amend Section 7.3 [ENVIRONMENTAL IMPACT AND DESIGN REVIEW] to add a new Section 7.3.2.7 as follows:

7.3.2.7 Solar Arrays, Facilities, and Photovoltaic Installations. Large Scale Solar and Other Solar shall require review and approval pursuant to Section 7.7 of this bylaw. Roof-mounted Solar is not subject to review pursuant to Section 7.3 or Section 7.7 and may be installed upon issuance of applicable Building and Electrical Permits.

7) Add new Section 7.7 [Solar Design Review and Approval] as follows:

7.7.1 Purpose. The purpose of this Section is to facilitate the siting and location of Large Scale Solar and Other Solar, by establishing criteria for the layout, scale, safety and environmental impact of these types of solar energy systems. The intent is to provide more information and regulatory scrutiny to protect the public health, safety, and welfare of the

community, while encouraging broader use and conversion to solar and renewable energy systems with minimal impact to neighborhoods.

7.7.2 **Applicability.** This Section shall only apply to Large Scale Solar and Other Solar energy systems as defined in Section 2.0 of this Bylaw. Large Scale Solar and Other Solar which is proposed as a principal use, shall be subject to review pursuant to Section 7.7.3. Other Solar not meeting the threshold of a Large Scale Solar, which is proposed as an accessory use, shall be subject to review pursuant to Section 7.7.4. A solar energy system shall be considered a principal use if it is the only use on the parcel or if the footprint of the components of the solar energy system exceeds the footprint of all other structures on the lot. Any review pursuant to this Section shall be limited to review of features related to site placement, setbacks, height, impervious surface, landscaping, screening, and stormwater management provisions consistent with M.G.L. Chapter 40A Section 3.

7.7.3 **Planning Board Design Review and Approval.** Planning Board Design Review and Approval shall be required for any Large Scale Solar energy facility proposed as a principal use.

7.7.3.1 **Procedures.** An application for review and approval pursuant to this Section shall be accompanied by a site plan and other application material in accordance with Section 7.7.5. Said application shall be reviewed for compliance with the requirements specified in Sections 7.7.6 through 7.7.14 below and the Planning Board's rules and regulations.

7.7.3.2 **Public Hearing.** The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Commissioner and Applicant.

7.7.3.3 **Decision.** The Planning Board shall make a determination that the application meets the purpose of this Section and that the proposal poses no negative or adverse impacts to the public health or public safety of the neighborhood. Aesthetics are not a reasonable cause for denial. The Planning Board may impose reasonable conditions at the expense of the Applicant, include conditions related to landscaping and screening requirements.

7.7.4 **Administrative Design Review and Approval.** Administrative Design Review and Approval shall be required for any Other Solar energy facility proposed as an accessory use.

7.7.4.1 **Procedures.** An application for review and approval pursuant to this Section shall be accompanied by a site plan and other application material in accordance with Section 7.7.5, unless waived by the Town Planner. Said application shall be reviewed for compliance with the requirements specified in Sections 7.7.6 through 7.7.13 below. The Town Planner shall review the application and shall provide its decision forthwith to the Building Commissioner and Applicant.

7.7.4.2 **Decision.** The Town Planner shall make a determination that the application meets the purpose of this Section and that the proposal poses no negative or adverse impacts to the public health or public safety of the neighborhood. Aesthetics are not a reasonable cause for denial. The Town Planner may impose reasonable conditions at the expense of the Applicant, include conditions related to landscaping and screening requirements.

7.7.4.3 **Further Review by Planning Board.** If an Applicant objects to any conditions of an Administrative Approval, the Applicant may apply to the Planning Board for further consideration of the Application. In such an event, the Planning Board shall hold a duly noticed public hearing and consider the Application pursuant to Section 7.7.3.

7.7.5 **Submittal Requirements.** Applicant shall provide the following documents, as deemed applicable by the Planning Board:

- a) A site plan prepared by a Registered Professional Engineer, Land Surveyor, Landscape Architect, or Architect showing property lines and physical features, including driveways, roads, walks, buildings, any easements, and proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation, or structures, setbacks;
- b) Drawings of the solar energy system showing the proposed layout of the system, and potential shading from nearby structures, the distance between the proposed solar system and all property lines and existing buildings and structures, and the highest point of the solar array;
- c) A side view or elevation labelling the proposed height and dimensions of the proposed system;
- d) Documentation of the system components such as the mounting system, panels, and inverter;
- e) The name, contact information of the agent representing the project system;
- f) Photographs of the area proposed for the solar system; and
- g) Operation and Maintenance Plan.

7.7.6. **Dimensional Regulations.** No component of a solar energy system shall be greater than to twenty (20) feet in height measured from the highest point of the component to the grade directly below.

7.7.7 **Placement.** No component of a solar energy system shall be located closer than 25 feet from the front lot line. Side and rear yard setbacks must meet the minimum side and rear setbacks set forth in Section 5.0 [DIMENSINAL REQUIREMENTS], 5.2

[TABLE OF DIMENSINAL REQUIREMENTS] for the zoning district in which the solar energy system will be located.

7.7.8 **Lot coverage.** Ground-mounted solar energy systems shall not be included in the calculations for the lot coverage or impervious cover as defined in Section 2.0.

7.7.9 **Signage.** Signage to identify the owner and provide 24-hour emergency contact information shall be provided. Solar systems shall not be used for displaying any advertising except for identification of the manufacture or operator of the solar energy system.

7.7.10 **Visual Impact.** The Planning Board may impose reasonable conditions to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.

7.7.11 **Utility Notification.** Proponent shall submit evidence that the property owner has submitted notification to the utility company of the intent to install an interconnected customer-owned generator.

7.7.12 **Exterior Lighting Plan.** Any exterior lighting shall be consistent with Section 6.4 [EXTERIOR LIGHTING] of the Zoning Bylaw.

7.7.13 **Operation & Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of ground-mounted solar energy system which shall include measures for maintaining safe access to the installation, stormwater controls as well as procedures for operation maintenance of the installation and post installation repairs.

7.7.14 **Abandonment or Decommissioning.** Any solar energy system abandoned or discontinued shall be fully removed within 90 days after date of discontinued operations by the Owner or Applicant. As a condition of approval, the Planning Board shall require a bond, in a form acceptable to the Town and with no expiration date, or shall place into escrow a sum of money sufficient to cover the costs of removing all components of the solar energy system from the subject property. Said bond or escrow funds shall be held by the Town Treasurer. The Property Owner shall consent to the Town's authority to enter upon the property and to remove the facility, in the event the facility has been abandoned or discontinued without removal by the Owner or Applicant.

Article 3: **Zoning Amendments Relative to Property on High Street in the vicinity of the historic Obed Baker House and Westwood Plaza**

To see if the Town will vote to approve certain amendments to the Official Zoning Map in order to facilitate the redevelopment and reuse of the Obed Baker House and the redevelopment of the adjacent commercial plaza, by changing the zoning designation of the currently undeveloped parcel of land shown on Assessor's Parcel 21 as Lot 43, and the zoning designation of a portion of town-owned land shown on Assessor's Parcel 20 as Lot 72, from Single Residence C (SRC) to Local

Business A (LBA) District; and by expanding the Flexible Multiple Use Overlay District 7 (FMUOD 7/High Street Business District) to include additional parcels; and by making related amendments to the tests of Section 9.5 of the Westwood Zoning Bylaw related to the FMUOD7 overlay district; as set forth below, or take any other action in relation thereto. For initial discussion purposes, the following parcels are proposed to be added to the FMUOD7 overlay district, however, the number and locations of parcels may change during the course of the public hearing, and any parcels within the LBA District may be considered for inclusion within the proposed expansion of the FMUOD7 overlay district: the Obed Baker House property at 909 High Street (Assessor's Parcel 21 as Lot 42), the undeveloped parcel of land adjacent to the Obed Baker House property (Assessor's Parcel 21 as Lot 43), a portion of the town-owned parcel of land providing driveway access to the Obed Baker House property (Assessor's Parcel 20 as Lot 72), and the parcels presently containing the Westwood Plaza known as 911-929 & 915 High Street (Assessor's Map 21 as Lot 40 and Map 21 as Lot 41).

- 1) Amend the Official Zoning Map to change the zoning designation of Assessor's Parcel 21, Lot 43 from Single Residence C (SRC) to Local Business A (LBA);
- 2) Amend the Official Zoning Map to change the zoning designation of a portion of Assessor's Parcel 20, Lot 72 from Single Residence C (SRC) to Local Business A (LBA);
- 3) Amend the Official Zoning Map to expand the FMUOD7/High Street Business District overlay district to include the following parcels:

Assessor's Parcel 21, Lot 42 known as 909 High Street containing the Obed Baker House

Assessor's Parcel 21, Lot 43 presently undeveloped lot

Assessor's Parcel 20, Lot 72, portion of municipal lot

Assessor's Parcel 21, Lot 40 known as 911-929 High Street containing Westwood Plaza

Assessor's Parcel 21, Lot 41 known as 915 High Street containing Dunkin Donuts



Article 4: Zoning Amendment Relative to Expansion of Nonconforming Uses & Structures

To see if the Town will vote to approve certain amendments to the Zoning Bylaw to amend Section 4.5.3 [Nonconforming Structures], including but not limited to amendments to Section 4.5.3.3 [Variance Required for New or Expansion of Nonconformity] to allow alterations to nonconforming properties by special permit rather than variance, when determined appropriate by the Building Commissioner; as set forth below, or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

- 1) Amend Section 4.5.3.3 as follows:

4.5.3.3 Variance or Special Permit ~~r~~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, it is at the discretion of the Building Commissioner as to whether any proposed additional nonconformities will be substantially more detrimental to the neighborhood than the existing nonconforming structure. If in the opinion of the Building Commissioner, the proposal is more detrimental, a variance ~~is~~ shall be required in accordance with Section 10.4 of this bylaw. If the Building Commissioner determines

~~that the additional nonconformities are de minimus or are not substantially more detrimental to the neighborhood than a special permit shall be required. If the nonconforming nature of a structure would be increased by the proposed alteration, a variance from Board of Appeals shall be required to allow such alteration.~~ In addition, no nonconforming structure, commercial or residential, shall be altered to accommodate a substantially different use, or to accommodate the same use in a substantially different manner or to a substantially greater extent, unless a variance allowing said alteration is granted by the Board of Appeals.

Article 5: Zoning Map Amendment Relative to 394 & 396 Providence Highway

To see if the Town will vote to approve certain amendments to the Official Zoning Map to change the zoning designation of the parcel of land at 394 Providence Highway as (Assessor's Map 24, Lot 82) from Industrial Office (IO) District to Highway Business (HB) District, and to include the currently unzoned parcel of land at 396 Providence Highway (Assessor's Map 24, Lot 3) within the Highway Business (HB) District; and expand the Wireless Communications Overlay District (WCOD) and the Flexible Multiple Use Overlay District 4 (FMUOD4) to overlay said parcels; as set forth below, or take any other action in relation thereto:

- 1) Amend the Official Zoning Map to change the zoning designation of the parcel of land shown as Assessor's Map 24, Lot 82 from Industrial Office (IO) District to Highway Business (HB) District;
- 2) Amend the Official Zoning Map to change the zoning designation for the parcel of land shown as Assessor's Map 24 Lot 3 from unzoned to Highway Business (HB) District;
- 3) Amend the Official Zoning Map to expand the Wireless Communications Overlay District (WCOD) and Flexible Multiple Overlay District 4 (FMUOD4) to include the following parcels:

Assessor's Parcel 24, Lot 82 known as 394 Providence Highway
Assessor's Parcel 24, Lot 3 known as 396 Providence Highway

Article Summary: Owner requests zoning change to facilitate the redevelopment of the existing Shell service station. Proposed redevelopment includes new light motor vehicle service use for fueling station with canopy, convenience retail store, and drive-through. The undeveloped lot was previously owned by the state and part of the right-of-way for Providence Highway without a zoning designation. The Shell station at 394 Providence Highway is a presently a nonconforming use in the IO zoning district. The Owner requests re-zoning to redevelop at the existing lot and the adjacent parcel at 396 Providence Highway.



Article 6: **Housekeeping**

To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and/or the Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections, which may be discovered prior to the conclusion of the public hearing, or take any other action in relation thereto.

The complete text and material are available for viewing on the Town’s website under “Current Applications Link” for the Planning Board at www.westwoodpermit.org and under the Planning Division’s “Zoning Amendments” webpage. Interested persons are encouraged to attend the public hearing via Zoom to make their views known to the Planning Board. The final meeting agenda and zoom information will be provided on the Town’s meeting calendar on the website 3-5 days in advance at: <https://www.townhall.westwood.ma.us/> or you may sign up for an email notification when the meeting is posted at: <https://www.townhall.westwood.ma.us/our-town/stay-connected/website-e-notification>

Westwood Planning Board

Transcript & Bulletin Advertising Dates: Thursday, January 13, 2022 and Thursday, January 20, 2022