



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers MMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

POSTING DATE: December 1, 2022
NORFOLK, SS.

TO EITHER OF THE CONSTABLES IN THE TOWN OF WESTWOOD IN SAID COUNTY:

GREETING:


In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least five public places in the Town in each of the five precincts, copies of the attached Amendments to the Town Zoning By-laws.

These amendments were voted under **Articles 18 and 22** of the Warrant for the 2022 Annual Town Meeting, which meeting was held on May 2, 2022.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

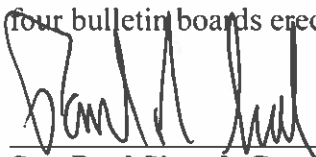
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:



Dorothy A. Powers, MMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendment to the Zoning Bylaws of the Town of Westwood voted under the aforementioned articles of the 2022 Annual Town Meeting on four bulletin boards erected by the town in public places in each of the five precincts of the Town.



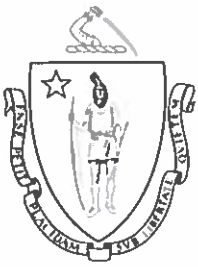
Sgt. Paul Sicard, Constable



Office of the Constable
Sgt. Paul Sicard

Keep Posted Until

3/10/22



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

November 29, 2022

Dorothy Powers, Town Clerk
Town of Westwood
580 High Street
Westwood, MA 02090

**Re: Westwood Annual Town Meeting of May 2, 2022 -- Case # 10614
Warrant Articles # 18, 19, 20, 21, 22, 23 (Zoning)**

Dear Ms. Powers:

Articles 18 and 22 – We approve Articles 18 and 22 from the May 2, 2022 Westwood Annual Town Meeting. Our comments on Article 22 are detailed below.¹

Article 22 - Under Article 22 the Town voted to amend the Zoning Bylaw by adding a new Section 9.9, Mixed-Use & Multi-Family Residential Overlay District, and amending the zoning map to include a Mixed-Use & Multi-Family Residential Overlay District (“Overlay District”). The motion passed by a simple majority vote. We approve the amendments on the basis that they require a residential component in any mixed-use project in the Overlay District consistent with the “Housing Choice” amendments to G.L. c. 40A, § 5, as further explained below.

I. The Attorney General’s Standard of Review of Zoning By-laws

Our review of Article 22 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative

¹ In a decision issued August 29, 2022 we approved the remaining Articles in Case # 10614 and extended our deadline on Articles 18 and 22 by agreement with Town Counsel as authorized by G.L.c. 40, § 32.

intent to preclude local action must be clear.” *Id.* at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Article 22, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Durand, 440 Mass. at 51 (*quoting Crall v. City of Leominster*, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

II. Housing Choice

The amendments adopted under Article 22 appear to require residential uses as part of any mixed-use development in the Overlay District. As such, the majority vote for Article 22 is authorized by the recent amendments to G.L. c. 40A, § 5 in the “housing choice” provisions of the economic development bill, Chapter 358 of the Acts of 2020, signed by the Governor on January 14, 2021. The “housing choice” legislation is intended to promote housing production by making it easier for cities and towns to approve housing-supportive zoning amendments. The legislation authorizes cities towns to adopt certain zoning by-law amendments through a simple majority vote as opposed to the two-thirds majority vote traditionally required by G.L. c. 40A, § 5.

As amended by Chapter 358 of the Acts of 2020, G.L. c. 40A, § 5 now provides in relevant part:

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a ... two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a ... simple majority of town meeting: (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multi-family housing or mixed-use development in an eligible location. (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location.

The Zoning Act defines “mixed-use development” as “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” G.L. c. 40A, § 1A.

EOHED has issued guidance to assist local officials in determining the voting thresholds for various zoning amendments (the “Guidance”).² The Guidance has three provisions that are particularly relevant to the adoption of mixed-use overlay districts:

Q: My town is considering a zoning change that would allow a mixed-use project in a particular zoning district. Does the amendment qualify for the majority threshold if the zoning amendment will permit projects that are primarily commercial rather than residential?

A: The Zoning Act was amended to define “mixed-use development” as “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” There is no requirement that the mix of uses be in any particular ratio or configuration. A zoning amendment will qualify for the majority threshold as long as it permits mixed-use development, as defined in the Zoning Act, either as-of-right or by special permit, in an eligible location. (March 15, 2021; updated May 20, 2021)

Q: My town is considering a new overlay district in which a mixture of retail, hospitality, recreational, entertainment, commercial and other uses will be allowed by right. Multifamily and mixed-use developments are among many types of uses that will be allowed in the new zone, along with things like retail, hotels, commercial recreational facilities, and entertainment uses. The new overlay district does not require a proposed project to include a residential component. Does this overlay district qualify for the simple majority?

A: Section 5 of the Zoning Act now provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” The intent of this language is to ensure that certain zoning changes that make it easier to build new housing will have the benefit of the simple majority threshold. It also is intended to ensure that zoning proposals that otherwise would require a $\frac{2}{3}$ vote are not approved by a simple majority simply because a multifamily use or other residential use has been added to the mix of allowed uses. This overlay district appears to conflict with the statute’s prohibition on combined articles, since it combines uses that require a $\frac{2}{3}$ vote with uses that may potentially qualify for a simple majority vote. In all cases, the municipality should consult with municipal counsel regarding the appropriate quantum of vote. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. (April 9, 2021)

² Section 100 of Chapter 358 of the Acts of 2020 directs EOHED to “issue guidance to assist local officials in determining the voting thresholds for various zoning amendments. Such guidance shall be assembled in consultation with the department of housing and community development, the Massachusetts attorney general's municipal law unit, and Massachusetts Housing Partnership.” *Id.*

Q: Section 5 says that a zoning amendment requiring a simple majority vote shall not be combined with amendments that require a ⅓ majority vote. But it also says that a simple majority is sufficient to approve mixed-use development in an eligible location. When a zoning amendment permits housing and other uses, how do I know which threshold applies?

A. You must determine if the zoning amendment permits “mixed-use development” as defined in the Zoning Act: “development containing a mix of residential uses and nonresidential uses, including, without limitation, commercial, institutional, industrial or other uses.” If a zoning amendment is drafted to permit a mixture of uses in a new zone, and also requires that all future uses in that zone include a residential component, then the amendment allows “mixed-use development” as defined in the statute, and qualifies for the simple majority, as long as the affected land area is an “eligible location.” Municipalities that want to approve a mixed-use overlay district by simple majority should take care to draft the article so that individual projects must include a residential use. (May 20, 2021)

Based on the language of Section 5 and the Guidance cited above, we determine that the amendments adopted under Article 22 were properly approved by a simple majority vote because they appear to require a residential component in any mixed-use development, and because the Overlay District appears to be in an eligible location.³ The by-law amendments allow a number of uses in the Overlay District, in addition to those already allowed in the base zoning district. Specifically, the additional allowed uses are described as: “multi-family residential units and mixed-use development” (Section 9.9.3) and “a mix of the following residential and nonresidential uses” followed by a list that includes multi-family residential units and a variety of non-residential uses.

The Zoning By-law does not define the term “mixed-use development,” but the Zoning Act is the enabling legislation for the Zoning By-law, as the By-law recognizes. See Section 1.2 Authority (“This Zoning Bylaw is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto.”) We thus presume the Town is following the definition in the Zoning Act. See Doherty v. Planning Bd. of Scituate, 467 Mass. 560, 568-569 (2014) (where a by-law does not define terms courts “give them their usual and accepted meanings, as long as these meanings are consistent with the statutory purpose,” with the “usual and accepted meanings” derived “from sources presumably known to the statute’s enactors, such as their use in other legal contexts and dictionary definitions.”) (internal citations and quotations omitted). See also Mandell v. Wellfleet Zoning Bd. of Appeals, 2022 WL 2134498 at *8 (Rubin, J., June 14, 2022) (“[t]he Bylaw’s direct

³ The Zoning Act defines “eligible locations” as areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.” G.L. c. 40A, § 1A. The Guidance provides that local officials should determine whether a zoning amendment affects an eligible location. EOHED will also provide advisory opinions on this issue, when requested by a municipal body or municipal official. Although we are informed by EOHED that no such advisory opinion was issued in this case, the area designated as the Overlay District is in immediate proximity to an MBTA commuter rail station and appears to easily meet the criteria for an eligible location.

parallel in language (and, in fact, express reference) to G. L. c. 40A in the introduction to § 6.1 clearly indicates [the] legislative intent that the Bylaw's terms operate consistently with those [in the Zoning Act].")

By importing the Zoning Act's definition of mixed-use development, the by-law amendments are read to require a residential component in any mixed-use development in the Overlay District. See G.L. c. 40A, § 1A (defining "mixed-use development" as "development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.") As such, they by-law amendments qualify for the simple majority vote threshold in G.L. c. 40A, § 5.

During our review of Article 22 we consulted with the Executive Office of Housing and Economic Development which is authorized to administer the provisions of the "housing choice" amendments to G.L. c. 40A, § 5. EOHED agrees with the determination that the amendments adopted under Article 22 were properly adopted by a simple majority vote because they require a residential component in a mixed-use development.

III. Conclusion

Because the amendments adopted under Article 22 meet the requirements for a simple majority vote under G.L. c. 40A, § 5 as amended by Chapter 358 of the Acts of 2020 and are otherwise consistent with the Constitution and laws of the Commonwealth, we approve them. See Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986).

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

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

cc: Town Counsel Patrick Ahearn

mounted Solar ¹⁰													
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 Other Solar pursuant to Section 7.7 ³	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.8 Large Scale Solar pursuant to Section 7.7 ³	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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.

8) 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, 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 and for any Other 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, public welfare, 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, including 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 a 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, public welfare, 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, including 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 hereunder, 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 for Large Scale Solar and Other Solar energy facilities proposed as a principal use only.

7.7.6. Dimensional Regulations. No component of a solar energy system shall be greater than twenty-five (25) feet in height measured from the highest point of the component to the grade directly below. For solar arrays over parking spaces at commercial, industrial, municipal, or institutional facilities, the minimum height shall be fourteen (14) feet.

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 [DIMENSIONAL REQUIREMENTS], 5.2 [TABLE OF DIMENSIONAL 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 manufacturer 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.** Applicant 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 **Operations & Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of any 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

Witness my hand and seal of the Town of Westwood this 1st day of December 2022

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

***Awaiting approval by the Attorney General*



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

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

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 22 of the Warrant for the Annual Town Meeting held on May 2, 2022:

Annual Town Meeting Article 22: Zoning Bylaw & Zoning Map Amendments Relative to Mixed-Use & Multi-Family Residential Overlay Districts

The Finance and Warrant Commission recommended and the Town voted unanimously in favor by a Majority vote in favor taken electronically: YES-117, NO-59, 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:

- 1) Add a new definition to Section 2.0 [DEFINITIONS] AS FOLLOWS:
Institutional Use The use of land, buildings, or structures, or portions thereof, for public or social purposes, but not for commercial or industrial purposes, which may include governmental, religious, educational, charitable, philanthropic, or similar uses not otherwise defined in this Bylaw.
- 2) Amend Section 3.1.3 Overlay Districts as follows:
Add Mixed-Use & Multi-Family Residential Overlay District (MUMFROD)
- 3) 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 (MUMFROD) 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

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%

vehicle access. More than one building shall be permitted on any lot.

- 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 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 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 **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.
- 9.9.13.15 **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.
- 9.9.13.16 **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.
- 9.9.13.17 **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.

- 9.9.13.18 **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.
- 9.9.13.19 **Electrical Disturbances.** No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- 9.9.13.20 **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.
- 9.9.13.21 **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.
- 9.9.13.22 **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.
- 4) 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).

Witness my hand and seal of the Town of Westwood this 1st day of December 2022

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

***Awaiting approval by the Attorney General*