

AGENDA

FINANCE AND WARRANT COMMISSION

2023 First Public Hearing

Wednesday, March 1, 2023

(Continued to Thursday, March 2, 2023 if necessary)

IN PERSON

Westwood Public Library – Community Meeting Room

7:00 P.M.

- I. Call to Order at 7:00 P.M.
- II. Grant permission to Westwood Media Center to live stream and videotape the meeting.
Ask if anyone else wishes to record this meeting.
- III. Welcome all participants including members, presenters, and members of the public and press.
- IV. Pledge of Allegiance.
- V. **Member Roll-Call.**
- VI. Chair's update –.
- VII. **Presenter(s):** Nora Loughnane (Director of Community & Economic Development), Christopher Pfaff (Planning Board Chair), Members of the Planning Board and Town Staff – 2023 ATM “Planning Board” Warrant Articles
- VIII. **Presenter(s):** Christopher Coleman (Town Administrator), Robert Gotti (Select Board Chair), Members of the Select Board, Town Staff and Members of Charter Review Committee– 2023 ATM “Select Board” Warrant Articles
- IX. Other business that may properly come before the board not previously anticipated by the Chair–
- X. Old Business – Approval of 02.14.23 Minutes.
- XI. Public and Press -
- XII. Adjournment – **Roll-Call Vote.**



Finance & Warrant Commission Meeting
March 1, 2023

Introduction of Planning Board Articles

Christopher A. Pfaff – Planning Board Chair
Nora Loughnane – Director of Community & Economic Development

PB Article 1: Amendments to Zoning Bylaw related to Earth Material Movement

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to **Earth Material Movement** by amending Section 4.1.6 [Principal Use Table – Industrial Uses], Section 4.3.2 [Accessory Use Table – Accessory Uses in All Districts], and Section 7.1 [Earth Material Movement (EMM)], or take any other action in relation thereto.

PB Article 1: Amendments to Zoning Bylaw related to Earth Material Movement



PB Article 1: Amendments to Zoning Bylaw related to Earth Material Movement



- 1) Amend Section 4.1.6 [**Principal Use Table – Industrial Uses**] to disallow EMM as a principal use in all districts.
- 2) Amend Section 4.3.2 [**Accessory Use Table – Accessory Uses in All Districts**] to add a new EMM as an accessory use, pursuant to Section 7.1.

PB Article 1: Amendments to Zoning Bylaw related to Earth Material Movement

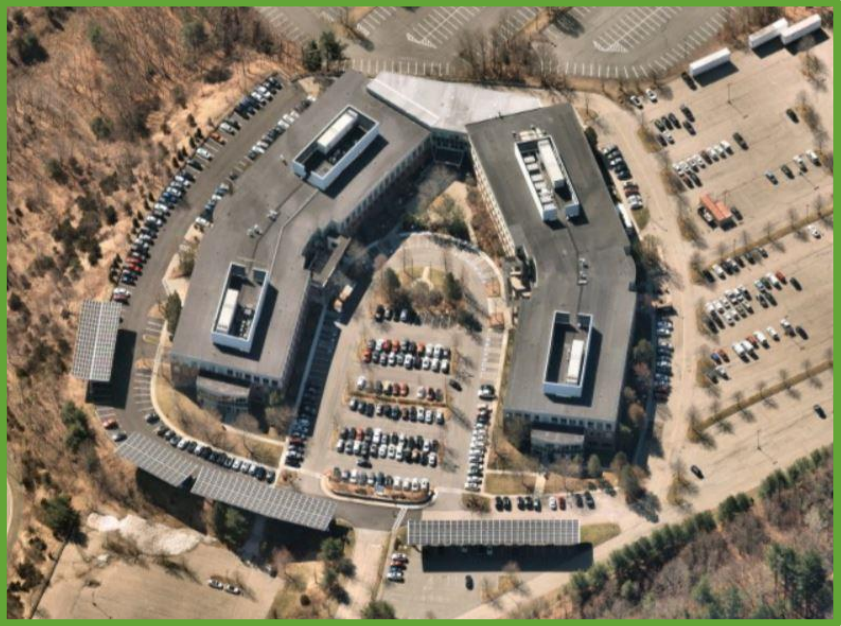
3) Amend Section 7.1 [Earth Material Movement (EMM)] to change all references to EMM-EIDR Approval by the Planning Board to allow for Administrative EMM by the Town Planner.

- ❖ All submittal requirements and decision conditions will carry over from the Planning Board review to the Town Planner review.
- ❖ Additional submittal requirement has been added to require submission of Land Disturbance Permit of Administrative Stormwater Management Approval at the time of the EMM application.
- ❖ Section 7.1.11 is revised to remove the possibility of EMM Approval for any new EMM as a principal use (i.e.: gravel pit).

PB Article 2: Amendments to Zoning Bylaw related to Sustainability

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to **Sustainability** by amending Section 6.1 [Off-Street Parking] and Section 7.3 [Environmental Impact & Design Review (EIDR)], or take any other action in relation thereto.

PB Article 2: Amendments to Zoning Bylaw related to Sustainability



Eversource – Office Building
247 Station Drive

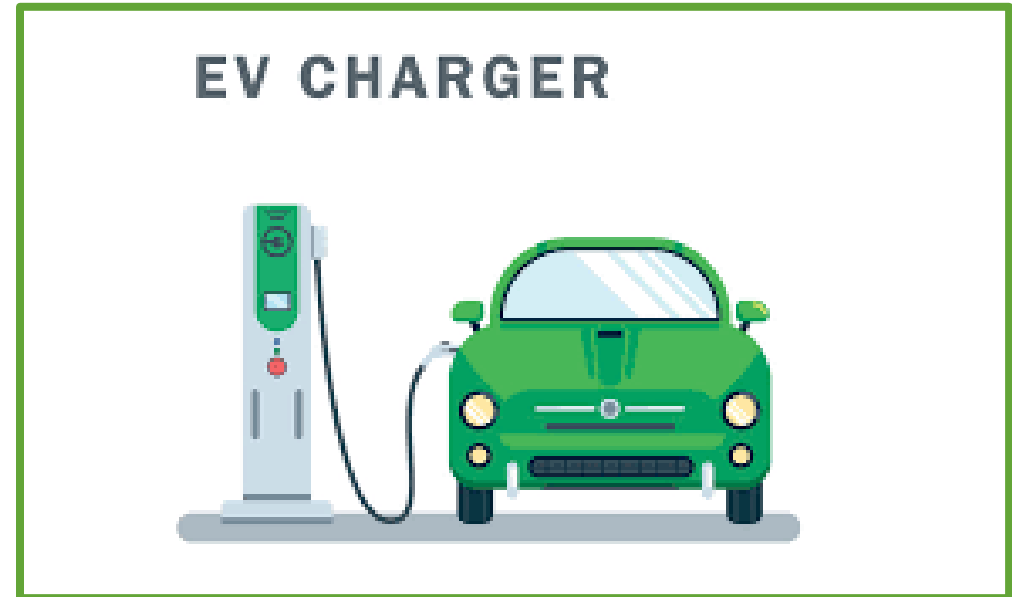


Target - Retail Store
221 University Avenue

PB Article 2: Amendments to Zoning Bylaw related to Sustainability

1) Amend Section 6.1 [Off-Street Parking] by adding a new Section 6.1.23 [Motor Vehicle Charging Stations]:

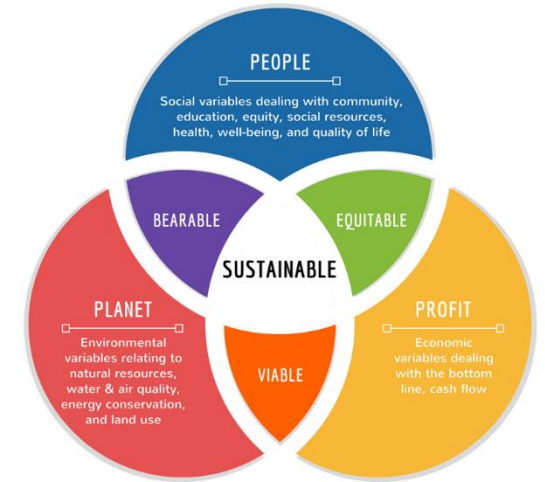
- ❖ All parking areas with 25 or more spaces will require 1 charging station for every 25 parking spaces.
- ❖ Triggered by EIDR or Special Permit review
- ❖ Applicable to new municipal parking lots
- ❖ Town has 4 currently and is installing 8 more
- ❖ Supported by utility incentive programs
- ❖ Responsive to Stretch Code requirements



PB Article 2: Amendments to Zoning Bylaw related to Sustainability

2) Amend Section 7.3.8 [Environmental Impact and Design Standards] by deleting the existing Section 7.3.8.11 [Energy Efficiency] and replacing that section with a new Section 7.3.8.11 [Sustainability] which requires analysis of greenhouse gas impacts and sustainable practices:

- ❖ Energy Conscious Design – building orientation, building materials, shading, landscaping
- ❖ Energy Efficiency – energy-efficient materials, lighting, heating, ventilating and air conditioning systems, geothermal systems, white roofing, daylighting, LED technology
- ❖ Renewable Energy – New non-residential structures exceeding 5,000 SF in floor area must have photo voltaic or wind turbines to produce 50% of energy within 5 years
- ❖ Water Efficiency – WaterSense fixtures and greywater reclamation



PB Article 2: Amendments to Zoning Bylaw related to Sustainability

- 3) Amend Section 7.3.7 [Submittal Requirements] by revising existing Section 7.3.7.1.2, to show all existing trees 5" or larger and other natural features on plans, unless waived.
- 4) Amend Section 7.3.7 [Submittal Requirements] by revising existing Section 7.3.7.7 [Model], to only require model in cases where deemed necessary by the Planning Board.
- 5) Amend Section 7.3.8 [Environmental Impact and Design Standards] by deleting the existing Section 7.3.8.1 [Preservation of Landscape] and replacing that section with a new Section 7.3.8.1 [Sustainable Landscape], to require preservation of natural state, insofar as practicable:
 - ❖ Preserve existing grading & natural land features
 - ❖ minimize soil removal and grade changes
 - ❖ Maintain trees greater than 5"
 - ❖ Relocate or replace trees, where necessary, with native species.
 - ❖ Remove noxious invasive vines and plant materials to protect trees



PB Article 3: Amendments to Zoning Bylaw related to Dumpsters

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to **Dumpsters** by amending Section 6.3.5 [Uses requiring Screening] and Section 6.3.6 [Screening Standards], or take any other action in relation thereto.

PB Article 3: Amendments to Zoning Bylaw related to Dumpsters



PB Article 3: Amendments to Zoning Bylaw related to Dumpsters

- 1) Amend Section 6.3.5 [Uses requiring Screening] by deleting the existing Section 6.3.5 in its entirety and replacing it with a new Section 6.3.5 to clarify that dumpster screening requirements apply to all non-residential and multi-family residential properties
- 2) Amend Section 6.3.6 [Screening Standards] by deleting the existing Section 6.3.6 in its entirety and replacing it with a new Section 6.3.6 to clarify screening standards
 - ❖ Fully screened from view by gated solid enclosures
 - ❖ Impermeable lid or cover integral to the dumpster
 - ❖ Located on an impervious surface to prevent the discharge of contaminated run-off
 - ❖ Gates must be closed and fastened other than during active loading or unloading

PB Article 4: Housekeeping Amendments to Zoning Bylaw

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, or take any other action in relation thereto.

PB Article 4: Housekeeping Amendments to Zoning Bylaw

- 1) Revise Section 3.1.3 [Overlay Districts] so that the various districts are presented in alphabetical order.
- 2) Revise Section 4.1.3 [Principal Use Table – Residential Uses] to delete Section 4.1.3.4 [Senior Residential Development per Section 8.3] and renumber subsequent sections as appropriate.
- 3) Revise certain footnotes in Section 4.15 [Principal Use Table – Commercial Uses] to reflect proper sequential numbering.
- 4) Revise certain footnotes in Section 4.1.7 [Principal Use Table – Other Uses] to reflect proper sequential numbering.
- 5) Revise Section 4.2 [Notes for Table of Principal Uses] to reflect proper sequential numbering.
- 6) Revise certain footnotes in Section 4.3.2 [Accessory Use Table – Accessory Uses in All Districts] to reflect proper sequential numbering.

PB Article 4: Housekeeping Amendments to Zoning Bylaw

- 7) Revise certain footnotes in Section 4.3.5 [Accessory Use Table – Accessory Uses in Industrial, Highway Business and ARO Districts] to reflect proper sequential numbering.
- 8) Revise Section 4.4 [Notes for Table of Accessory Uses] to reflect proper sequential numbering.
- 9) Amend Section 6.1.3 [Table of Parking Requirements – Residential Uses] to delete Section 6.1.3.4 [Senior Residential Development per Section 8.3] and renumber subsequent sections as appropriate.
- 10) Revise Section 6.2 [Signs] to correct numbering in Section 6.2.10.5 [Video Media Display].
- 11) Revise Section 9.5.9 [FMUOD Alternative Directions] to replace an incorrect reference number in Section 9.5.9.6.
- 12) Repeat the language pertaining to lots lying partly within another abutting municipality in Section 4.1.1 in a new Section 3.6 [Lots in Two Municipalities].

PB Article 5: Amendments to General Bylaws related to Dumpsters

To see if the Town will vote to approve certain amendments to the Town of Westwood **General Bylaw** related to **Dumpsters** by amending Chapter 321 [Retail Stores and Food Establishments] and Chapter 342 [Solid Waste], or take any other action in relation thereto.

PB Article 5: Amendments to General Bylaws related to Dumpsters



PB Article 5: Amendments to General Bylaws related to Dumpsters

- 1) Amend Chapter 321, Article I, Section 321-1 [Retail Stores and Food Establishments – Retail hours of operation restricted] to point to requirements in new General Bylaw Dumpster Chapter §342-1 thru §342-5.
- 2) Amend Chapter 342 [Solid Waste] by adding a new Sections 342-2 thru 342-5 to regulate dumpsters.
 - ❖ Tracks closely to Zoning Bylaw, but applies to existing properties not under EIDR review
 - ❖ Applies to all non-residential or multi-family residential properties
 - ❖ Fully screened from view by gated solid enclosures
 - ❖ Impermeable lid or cover integral to the dumpster
 - ❖ Located on an impervious surface to prevent the discharge of contaminated run-off
 - ❖ Gates must be closed and fastened other than during active loading or unloading
 - ❖ Must be maintained in good condition, rodent-free, and deodorized on a semi-annual basis
 - ❖ Limits commercial loading to 1 hour before business opening to 1 hour after business closing
 - ❖ Limits multi-family loading to before 12:00 midnight and after 6:00 am
 - ❖ Limits all unloading to before 12:00 midnight and after 6:00 am
 - ❖ Imposes \$100 fines for non-compliance
 - ❖ Permits waiver of provisions by Select Board where warranted

Planning Board Remote Public Hearing

March 7, 2023 at 7:00 pm

Zoom Link on Town's Website Calendar

<https://us02web.zoom.us/j/82288308133?pwd=azlqb1hSN0pJRnNOMUQxM1NjNjh0dz09>

Passcode: 641155

Webinar ID: 822 8830 8133

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

PROPOSED ZONING BYLAW & GENERAL BYLAW AMENDMENTS

DRAFT ARTICLES as of FEBRUARY 24, 2023

Planning Board 1 – Amendments to Zoning Bylaw related to Earth Material Movement (EMM):

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Earth Material Movement by amending Section 4.1.6 [Principal Use Table – Industrial Uses], Section 4.3.2 [Accessory Use Table – Accessory Uses in All Districts], and Section 7.1 [Earth Material Movement (EMM)] and as set forth below, or take any other action in relation thereto:

(New wording shown in red and underlined, words to be removed shown in strikethrough.)

- 1) Amend Section 4.1.6 [Principal Use Table – Industrial Uses] to read as follows:

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.6.1 Earth Material Movement per section 7.1 <u>(as principal use)</u>	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN	PBN

- 2) Amend Section 4.3.2 [Accessory Use Table – Accessory Uses in All Districts] to add a new Section 4.3.2.7 [Earth Material Movement (as an accessory use) pursuant to Section 7.1] to read as follows, and renumber subsequent sections as appropriate:

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
<u>4.3.2.7 Earth Material Movement (as an accessory use) pursuant to Section 7.1</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>

- 3) Amend Section 7.1 [Earth Material Movement (EMM)] by adding deleting the existing Section 7.1 in its entirety and replacing it with a new Section 7.1, to read as follows:

7.1 EARTH MATERIAL MOVEMENT (EMM)

- 7.1.1 **Environmental Impact and Design Review (EIDR) Administrative Earth Material Movement (EMM) Approval Required.** No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to an EIDR Administrative EMM Approval therefor granted by the Planning Board Town Planner.
- 7.1.2 **Purpose.** To protect the safety, health and wellbeing of the citizens and property of the Town by regulating the transportation of earth material to and from a property. The intent is to eliminate or minimize harmful impacts to the public ways associated with the movement of earth.
- 7.1.3 **Application Requirements.** An application for an EIDR Administrative EMM Approval for Earth Material Movement (EMM) shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Planning Board. The site plan shall be prepared by a Registered Land Surveyor or Registered Professional Engineer and shall include the following information:
- 7.1.3.1 Existing topographical contours of the subject land shown at two (2) foot intervals;
 - 7.1.3.2 Existing topographical contours of adjacent land shown at two (2) foot intervals, if available;
 - 7.1.3.3 Topographical contours as proposed after completion of the operation;
 - 7.1.3.4 Proposed erosion control measures and proposed lateral support to adjacent properties;
 - 7.1.3.5 Proposed drainage and soil erosion prevention measures and stormwater calculations;
 - 7.1.3.6 Quantity and composition of earth material to be exported, imported or regraded;
 - 7.1.3.7 Other information necessary to indicate the complete physical characteristics of the operation.
 - 7.1.3.8 Signed copy of Land Disturbance Permit or Administrative Land Disturbance Approval issued pursuant to Westwood Stormwater Management Bylaw or signed copy of Order of Conditions issued pursuant to the Wetlands Protection Act and Westwood Wetlands Protection Bylaw.
- 7.1.4 **Decision.** An Administrative EIDR Approval shall be granted by the Planning Board Town Planner only upon its written determination that operations conducted under such EIDR Administrative EMM Approval, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town, and will be in harmony with the general purpose

and intent of this Section. No EHDR Administrative EMM Approval ~~for the movement of earth material~~ (including temporary structures accessory thereto), shall be granted if the Board Town Planner finds that operations conducted thereunder would:

- 7.1.4.1 Be injurious or dangerous to the public health or safety;
- 7.1.4.2 Produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
- 7.1.4.3 Result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards;
- 7.1.4.4 Result in transportation which will cause undue injury to roadway surfaces;
- 7.1.4.5 Result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
- 7.1.4.6 Have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water; or
- 7.1.4.7 Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.

7.1.5 **Conditions.** In granting an EHDR Administrative EMM Approval hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

- 7.1.5.1 Area and limits of work;
- 7.1.5.2 Method of import, export and/or regrading of earth material;
- 7.1.5.3 Type and location of temporary structures;
- 7.1.5.4 Duration of time and termination date of import, export and/or regrading of earth material;
- 7.1.5.5 Hours of operation;
- 7.1.5.6 Policing of traffic entering and leaving the site;
- 7.1.5.7 Routes for transporting earth material through the Town;
- 7.1.5.8 Area and depth of excavation and/or fill;
- 7.1.5.9 Proximity to street and lot lines;
- 7.1.5.10 Grades of slopes;
- 7.1.5.11 Reestablishment of ground levels and grades;

- 7.1.5.12 Provisions for temporary and permanent drainage and erosion control;
- 7.1.5.13 Disposition of boulders, tree stumps and other debris;
- 7.1.5.14 Replacement of loam over the area of removal;
- 7.1.5.15 Planting of the area to suitable cover, including trees; and
- 7.1.5.16 Cleaning of roadway surfaces during and following transport of earth material.

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

7.1.7 **Surety and Performance Bond.** A surety and performance bond, cash or other adequate security may be required to insure compliance with the terms, conditions, limitations and safeguards of such EIDR Administrative EMM Approval and to indemnify the Town for any harm to any public well, roadway, wetland or other resource caused by such import, export and/or regrading of earth material and the equipment used for such operations on the premises or by ancillary activities.

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

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

7.1.9.1 **Less Than 200 Cubic Yards in Residential Districts.** Export, import and/or regrading of less than two hundred (200) cubic yards of earth material in the aggregate in any year on any one premises in a Residential District, so long as such export, import or regrading results in finished slopes of less than fifteen percent (15%) and finished elevations of less than five (5) feet above surrounding and undisturbed grade elevations.

7.1.9.2 **Less Than 250 Cubic Yards in Nonresidential Districts.** Export, import and/or regrading of less than two hundred (250) cubic yards of earth material in the aggregate in any year on any one premises within a Nonresidential District, so long as such export, import or regrading results in finished slopes of less than fifteen percent (15%) and finished elevations of less than five (5) feet above surrounding and undisturbed natural grade elevations.

- 7.1.9.3 **Excavation for Foundations.** Export and/or regrading of earth material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of earth material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk or path below finished grade, and provided that resultant finished slopes are less than fifteen percent (15%) and finished elevations are less than five (5) feet above surrounding and undisturbed natural grade elevations.
- 7.1.9.4 **Agricultural, Horticulture or Floriculture Uses.** Export, import and/or regrading of earth material consisting of compost, peat, manure, loam or other vegetative or earthen matter by exempt agricultural, horticulture or floriculture uses necessary for, or directly related to, the planting, cultivation or harvesting of vegetative products or the raising or care of animals.
- 7.1.9.5 **Governmental Uses.** Export, import and/or regrading of earth material on land in use by the Town or other governmental agency.

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

7.1.11 **Existing Earth Material Removal Operations.** A sand or gravel pit, quarry or other earth material removal activity in lawful operation on any premises on the effective date of this Bylaw may continue as an exempt operation unless and until abandoned, or if operating under a prior special permit issued by the Board of Appeals or EIDR Approval of the Planning Board, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by such prior Special Permit or EIDR Approval, ~~or by a new EIDR Approval issued hereunder~~ (i) the depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this Bylaw; (ii) the total area of excavation shall not be increased by more than fifty percent (50%) over its area on said date; and (iii) the amount of material removed per day shall not exceed by more than fifty percent (50%) the daily average for the twelve (12) months preceding said date or the actual period of operation, if less than twelve (12) months.

- 4) Revise Section 7.1 [Earth Material Movement (EMM)] by adding deleting the existing Section 7.1 in its entirety and replacing it with a new Section 7.1, to read as follows:

Planning Board 2 – Amendments to Zoning Bylaw related to Sustainability:

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to sustainability by amending Section 6.1 [Off-Street Parking] and Section 7.3 [Environmental Impact & Design Review (EIDR)] as set forth below, or take any other action in relation thereto:

(New wording shown in red and underlined, words to be removed shown in strikethrough.)

- 1) Amend Section 6.1 [Off-Street Parking] by adding a new Section 6.1.23 [Motor Vehicle Charging Stations], to read as follows, and renumber subsequent sections as appropriate:

6.1.23 Motor Vehicle Charging Stations. All parking areas with twenty-five (25) or more parking spaces shall contain a minimum of one (1) charging station for every twenty-five (25) parking spaces.

- 2) Amend Section 7.3.8 [Environmental Impact and Design Standards] by deleting the existing Section 7.3.8.11 [Energy Efficiency] and replacing that section with a new Section 7.3.8.11 [Sustainability], to read as follows:

7.3.8.11 ~~**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.~~ **Sustainability.** All proposals shall include analysis of greenhouse gas impacts, and shall incorporate sustainable measures and practices, that demonstrate a measurable reduction in greenhouse gas impacts, as follows:

7.3.8.11.1 Energy Conscious Design. All proposals shall adhere to the principles of energy-conscious design with regard to building orientation, building materials, shading, landscaping and other elements. Reasonable 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.

7.3.8.11.2 Energy Efficiency. All proposals shall utilize reasonable energy-efficient and green-centered technologies in building materials, lighting, heating, ventilating and air conditioning systems, including without limitation, geothermal systems, white roofing, daylighting, LED technology, and similar measures, where appropriate.

7.3.8.11.2 Water Efficiency. All proposals shall utilize reasonable water-saving and green-centered technologies, including WaterSense or equivalent fixtures for toilets, faucets, urinals, showers, pre-rinse nozzles, and irrigation controllers, as well as greywater reclamation and similar measures, where appropriate.

7.3.8.11.3 Renewable Energy. All proposals shall incorporate renewable energy resources. New non-residential structures exceeding 5,000 SF in floor area shall incorporate photo voltaic panels and/or wind turbines sufficient, or shall provide evidence of the existence of off-site renewable energy credits to produce a minimum of 50% of the structure's annual projected energy use within five (5) years of the date of the Certificate of Occupancy for said structure.

3) Amend Section 7.3.7 [Submittal Requirements] by revising existing Section 7.3.7.1.2, to read as follows:

7.3.7.1.2 Location, type, size and dimension of all existing trees with a caliper size of five inches (5") or greater, rock masses and other natural features with designations as to which features will be retained;

4) Amend Section 7.3.7 [Submittal Requirements] by revising existing Section 7.3.7.7 [Model], to read as follows:

7.3.7.7 **Model.** A presentation model at a minimum scale of one (1) inch equals twenty (20) feet (or such other scale as the Planning Board shall determine) showing the tract, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings, but only in cases where deemed necessary by the Planning Board due to the size or complexity of a proposed development~~This Subsection is not applicable to additions, alterations or changes which increase gross floor area by less than one hundred percent (100%).~~

5) Amend Section 7.3.8 [Environmental Impact and Design Standards] by deleting the existing Section 7.3.8.1 [Preservation of Landscape] and replacing that section with a new Section 7.3.8.1 [Sustainable Landscape], to read as follows:

7.3.8.1 **Sustainable Landscape.** The landscape shall be preserved in its natural state, insofar as practicable; ~~Tree and soil~~

7.3.8.1.1 Grading & Natural Land Features. 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.

7.3.8.1.2 Existing and Proposed Trees. Existing trees with a caliper size of five inches (5") or greater shall be maintained or relocated, wherever possible. All proposed new plants shall be native species listed on the "Acceptable Species List" produced and maintained by the Westwood Tree Warden.

7.3.8.1.3 Removal of Noxious Plants. Applicants shall take reasonably

appropriate steps to remove all invasive vines and noxious plant materials found on the project site which are likely to endanger existing and proposed trees.

Planning Board 3 – Amendments to Zoning Bylaw related to Dumpsters:

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Dumpsters by amending Section 6.3.5 [Uses requiring Screening] and Section 6.3.6 [Screening Standards] as set forth below, or take any other action in relation thereto:

(New wording shown in red and underlined, words to be removed shown in strikethrough.)

- 1) Amend Section 6.3.5 [Uses requiring Screening] by deleting the existing Section 6.3.5 in its entirety and replacing it with a new Section 6.3.5 to read as follows:

6.3.5 **Uses Requiring Screening.** The following uses of land shall be screened ~~if visible at normal eye level from any point on an abutting lot in a Residential District~~ as set forth herein:

- 6.3.5.1 Any off-street parking area containing five (5) or more parking spaces and located in or adjacent to a Residential District, and not contained within a structure, if visible at eye level from any point on an abutting lot in a Residential District;
- 6.3.5.2 Any commercial vehicle (whether or not operative and registered) of a gross vehicle weight in excess of eight thousand five hundred (8,500) pounds or more than twenty (20) feet in length stored or parked overnight in any Residential District;
- 6.3.5.3 ~~Refuse~~ Any refuse disposal and dumpster areas, compactor, trash and/or recycling container, areas, outdoor storage areas of goods and materials associated with a non-residential or multi-family residential property;
- 6.3.5.34 Any outdoor storage areas of goods and materials;
- 6.3.5.45 The outdoor storage of used materials, used vehicles or equipment or waste materials;
- 6.3.5.56 Except in the case of a lot used for municipal purposes, the outdoor parking or storage of two or more buses, trucks or earthmoving equipment items or similar contractor's equipment or heavy vehicles; and
- 6.3.5.67 Except in the case of a lot used for municipal purposes, the outdoor storage of solid fuel, sand, road salt, manure, fertilizer or other similar substances piled in bulk form.

- 2) Amend Section 6.3.6 [Screening Standards] by deleting the existing Section 6.3.6 in its entirety and replacing it with a new Section 6.3.6 to read as follows:

6.3.6 Screening Standards.

- 6.3.6.1 Screening shall consist of fencing and/or an area of at least three (3) feet in width of densely planted shrubs or trees which are at least two (2) feet high at the time of planting and are of a type that may be expected to form within three (3) years after planting a year-round, continuous, substantially impervious visual screen.
- 6.3.6.2 Screening as required in this Section shall be located so as not to obstruct vehicle sight distances, entrances and exits. Such screening shall not exceed a height of more than two (2) feet within thirty (30) feet of an intersection or ten (10) feet of a driveway. In no case shall the screening of parking facilities from abutting streets exceed four (4) feet in height.
- 6.3.6.3 Plantings shall be of trees or shrubs of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and provide for a year-round, continuous, substantially impervious visual screen.
- 6.3.6.4 ~~Fences~~ Fencing used for screening shall be solidly constructed of wood, stone, ~~or~~ brick or similar materials. There shall be no metal or chain-link materials used.
- 6.3.6.5 Dumpsters, compactors, trash and/or recycling containers shall be fully screened from view by gated solid enclosures constructed of wood, stone, brick or similar materials, and shall not include chain link fencing, with or without vinyl privacy slats. Dumpsters, compactors, trash and/or recycling containers shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. Gates shall be closed and fastened at all times other than active loading and/or unloading of trash and/or recycling materials.
- 6.3.6.5 Screening shall be continuously maintained to effectively serve the purpose for which it is intended. No advertising devices of any kind shall be allowed on screening.
- 6.3.6.6 Screening shall be continuous except for required access.

Planning Board 4 – Housekeeping Amendments to Zoning Bylaw:

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, as set forth below, or take any other action in relation thereto:

(New wording shown in red and underlined, words to be removed shown in strikethrough.)

- 1) Revise Section 3.1.3 [Overlay Districts] so that the various districts are presented in alphabetical order, as follows:

3.1.3 Overlay Districts:

- Access Approval Overlay District (AAOD)
- Adult Uses Overlay District (AUOD)
- Flood Area Overlay District (FAOD)
- Flexible Multiple Use Overlay District (FMUOD)
- Mixed-use Multi-family Residential Overlay District (MUMFROD)
- Substance Rehabilitation Facility Overlay District (SRFOD)
- University Avenue Mixed Use Overlay District (UAMUD)
- Upper Story Residential Overlay District (USROD)
- Water Resource Protection Overlay District (WRPOD)
- Wireless Communications Overlay District (WCOD)
- ~~Upper Story Residential Overlay District (USROD)~~
- ~~University Station Avenue Mixed Use Overlay District (UAMUD)~~
- ~~Substance Rehabilitation Facility Overlay District (SRFOD)~~

- 2) Revise Section 4.1.3 [Principal Use Table – Residential Uses] to delete Section 4.1.3.4 [Senior Residential Development per Section 8.3] and renumber subsequent sections as appropriate. (Note: The former section titled “Senior Residential Development” was deleted from the Zoning Bylaw by vote of Town Meeting on May 2, 2016, but the reference in Section 4.1.3 remained in the Principal Use Chart.)

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3.4 Senior Residential Development per Section 8.3	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N

- 3) Revise certain footnotes in Section 4.15 [Principal Use Table – Commercial Uses] to reflect proper sequential numbering, as follows:

PRINCIPAL USE	DISTRICTS
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	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.23 Medical Center or Clinic	N	N	N	N	N	N	N	N	N	N	N ⁴⁹⁸	N	N
4.1.5.25 Substance Rehabilitation or Treatment Facility	N	N	N	N	N	N	N	N	N	N	N ⁴⁹⁹	N	N
4.1.5.36 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	Y ⁸¹⁰	Y ⁸¹⁰	Y	Y	Y	N
4.1.5.39 Public Communications Use	N	N	N	N	N	N	N	N	N	N	BA ⁹¹¹	BA ⁹¹¹	BA ⁹¹¹

- 4) Revise certain footnotes in Section 4.1.7 [Principal Use Table – Other Uses] to reflect proper sequential numbering, as follows:

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.7.5 Other Solar pursuant to Section 7.7 ⁴⁰¹³	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.7.6 Roof-mounted Solar ⁴⁰¹³	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 ⁴⁰¹³	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

- 5) Revise Section 4.2 [Notes for Table of Principal Uses] to reflect proper sequential numbering, as follows:

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.
- 3 Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- 4 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses

- 5 Except for a retail grocery store which may exceed 10,000 square feet.
- 6 Retail sales and services in the Industrial and Industrial-Office Districts between 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- 7 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- 8 ~~A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials. Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (UAMUD)] and limited to those properties specifically listed within the UAMUD.~~
- 9 ~~Does not include wireless communications facilities. Except in accordance with a special permit issued pursuant to Section 9.8 [Substance Rehabilitation Facility Overlay District (SRFOD)] and limited to those properties specifically listed within the SRFOD.~~
- 10 ~~Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (UAMUD)] and limited to those properties specifically listed within the UAMUD. A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.~~
- 11 ~~Except in accordance with a special permit issued pursuant to Section 9.8 [Substance Rehabilitation Facility Overlay District (SRFOD)] and limited to those properties specifically listed within the SRFOD. Does not include wireless communications facilities.~~
- 12 Except that short-term temporary uses or structures not otherwise prohibited, may be granted administrative approval for a period of up to six (6) months, at the discretion of the Building Commissioner. An application for administrative approval of a short-term temporary use or structure shall include a site plan and written description, including proposed timeframe, hours of operation, and anticipated parking needs. Applications for administrative approvals of short-term temporary uses or structures shall be distributed to the Town Administrator, Town Planner, and Select Board for review and comment prior to approval. Following approval, the Building Commissioner may permit one (1) extension for an additional period of up to six (6) months, but no temporary use or structure shall be allowed to continue beyond one (1) year unless in conformance with a special permit granted by the Zoning Board of Appeals.
- ⁴⁰¹³ 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.

- 6) Revise certain footnotes in Section 4.3.2 [Accessory Use Table – Accessory Uses in All Districts] to reflect proper sequential numbering, as follows:

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.2.6 Roof-mounted Solar ³¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.7 Other Solar pursuant to Section 7.7 ³¹	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 ³¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

- 7) Revise certain footnotes in Section 4.3.5 [Accessory Use Table – Accessory Uses in Industrial, Highway Business and ARO Districts] to reflect proper sequential numbering, as follows:

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines dispensing food, soft drinks and incidental merchandise items; provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.	N	N	N	N	N	N	N	N	N	Y	Y	Y	BA ⁴²
4.3.5.4 Parking Garage ³¹	N	N	N	N	N	N	N	N	N	Y	Y	Y	BA

- 8) Revise Section 4.4 [Notes for Table of Accessory Uses] to reflect proper sequential numbering, as follows:

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 ~~Provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display. 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.~~
- 2 ~~The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Floor Area Ratio. Provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.~~
- 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. The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Floor Area Ratio.~~

9) Amend Section 6.1.3 [Table of Parking Requirements – Residential Uses] to delete Section 6.1.3.4 [Senior Residential Development per Section 8.3] and renumber subsequent sections as appropriate. (Note: The former section titled “Senior Residential Development” was deleted from the Zoning Bylaw by vote of Town Meeting on May 2, 2016, but the reference in Section 6.1.3 remained in the Table of Parking Requirements.)

PRINCIPAL USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
6.1.3.4 — Senior Residential Development per Section 8.5	One and a half (1½) off-street spaces per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof

10) Revise Section 6.2 [Signs] to correct numbering in Section 6.2.10.5 [Video Media Display] so that the corrected section reads as follows:

- 6.2.10.5 **Video Media Display.** Video media display shall be permitted in Local Business and Highway Business Districts, only as follows:
- 6.2.910.5.1 No video media display shall be positioned so as to be visible from any public way, including any sidewalk, whether such display is located on the interior or exterior of a building or structure.

6.2. ~~9~~10.5.2 No more than four (4) video media displays shall be permitted on any property at one time.

6.2. ~~9~~10.5.3 No single video media display shall exceed one and one-half (1-1/2) square feet in area.

11) Revise Section 9.5.9 [FMUOD Alternative Directions] to replace an incorrect reference number in Section 9.5.9.6 so that the corrected section reads as follows:

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

		<u>FMUOD</u> <u>1</u>	<u>FMUOD</u> <u>2</u>	<u>FMUOD</u> <u>3</u>	<u>FMUOD</u> <u>4</u>	<u>FMUOD</u> <u>5</u>	<u>FMUOD</u> <u>6</u>	<u>FMUOD</u> <u>7</u>
9.5.9.1	Minimum Project Area ¹	10 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet ²	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 ³	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5. 14 15.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

12) Repeat the language pertaining to lots lying partly within another abutting municipality in Section 4.1.1 in a new Section 3.6 [Lots in Two Municipalities], so that the new Section 3.6 reads as follows:

3.6 LOTS IN TWO MUNICIPALITIES

In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality.

Planning Board 5 - Amendments to General Bylaws related to Dumpsters:

To see if the Town will vote to approve certain amendments to the Town of Westwood General Bylaw related to Dumpsters by amending Chapter 321 [Retail Stores and Food Establishments] and Chapter 342 [Solid Waste] as set forth below, or take any other action in relation thereto:

(New wording shown in red and underlined, words to be removed shown in strikethrough.)

- 1) Amend Chapter 321, Article I, Section 321-1 [Retail Stores and Food Establishments – Retail hours of operation restricted] to read as follows:

Chapter 321. Retail Stores and Food Establishments

Article I. Retail Hours of Operation

§ 321-1. Retail hours of operation restricted.

For the purpose of controlling and abating noise and illuminations and to protect and promote the nighttime tranquility, no person shall sell at retail, including the sale of food, shall serve food or drink, shall be open for transaction of retail business, shall accept deliveries, or shall allow the removal of solid waste between the hours of 12:00 midnight and 6:00 a.m., except as expressly permitted pursuant to a one-day permit granted by the ~~Board of Selectmen~~ Board in accordance with § 321-2. Notwithstanding the foregoing, any restaurant, coffee shop, ice cream parlor, or fast order food establishment may serve food or drink and may be open for the transaction of business between the hours of 5:00 a.m. and 6:00 a.m., if specifically authorized to do so pursuant to the terms of a duly issued common victualler's license granted by the ~~Board of Selectmen~~ Board, but may not accept deliveries or allow the removal of solid waste between the hours of 12:00 midnight and 6:00 a.m. The term "food" as used by this bylaw shall include any article or commodity, however stored or packaged, intended for human consumption. Notwithstanding the foregoing, nothing contained within this Chapter **321** shall be deemed to prohibit or limit a retail business from conducting interior activities that are accessory to the operation of the retail business, such as cleaning, stocking, food preparation and other supporting operations between the hours of 12:00 midnight and 6:00 a.m., provided that (i) truck deliveries shall not occur during the hours of 12:00 midnight to 4:00 a.m.; (ii) during the hours of 4:00 a.m. to 6:00 a.m. truck deliveries shall be made solely to sealed loading docks, with no exterior loading or unloading permitted; and (iii) waste removal shall ~~in all events not occur between 12:00 midnight and 6:00 a.m.~~ fully conform with the provisions of § 342-1 thru § 342-5.

- 2) Amend Chapter 342 [Solid Waste] by adding a new Section 34-.2 to read as follows:

Chapter 342. Solid Waste

Article I. Litter and Refuse Disposal

§ 342-1. Litter and refuse.

No person shall litter or dispose of any refuse on or in any public land, way, sidewalk, pond, stream, brook, watercourse or on any private land except with the consent of the owner thereof.

§ 342-2. Waste and/or recycling containers regulated.

For the purpose of controlling the maintenance and operation of dumpsters to protect and promote public health, safety, environmental conservation, and general welfare, no person or entity shall operate, keep, store, use or maintain a waste and/or recycling container associated with a non-residential or multi-family residential property, including without limitation a dumpster, compactor or other container intended or used for trash or recycling materials, except in accordance with this Section.

§ 342-3. Dumpster covers and enclosures required.

Any waste and/or recycling container associated with a non-residential or multi-family residential property, shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. All such containers shall be fully screened within a gated dumpster enclosure so as not to be visible at eye level from any point on an abutting parcel or within any public right-of-way. Dumpster enclosures shall be solidly constructed of wood, stone, brick or similar materials, and shall not include chain link fencing, with or without vinyl privacy slats. Dumpster enclosure gates shall be closed and fastened at all times other than during brief periods of active loading and/or unloading of trash and/or recycling materials.

§ 342-4. Dumpster maintenance.

All waste and/or recycling containers shall be in good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. All such containers shall be deodorized and washed on a semi-annual basis to prevent persisting putrescence or the buildup of potentially harmful or dangerous residues. The Health Director or Sanitarian may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Health Director or Sanitarian may require additional design/containment requirements utilizing best available technology.

§ 342-5. Permitted hours for waste and/or recycling containers.

Waste and/or recycling containers shall not be filled more than one (1) hour before the start of business or one (1) hour after the close of business of an associated commercial establishment, nor between the hours of 12:00 am and 6:00 am at a multi-family residential property. Said containers shall not be emptied between the hours of 12:00 am and 6:00 am.

§ 342-6. Fines.

Any persons violating the provisions of this bylaw shall be punished by a fine of \$100 for each offense. Each day that said violation continues shall be considered a separate and continuing offense.

§ 342-7. Waivers.

Strict compliance with this bylaw may be waived if the Select Board finds that the waiver is in the public interest and is consistent with the intent and purpose of this bylaw.

§ 342-7. Severability.

If any section or provision of this bylaw is held invalid, it shall not invalidate any other section or

provision hereof. If the application of any provision of this bylaw to any person or circumstances is held invalid, it shall not invalidate the application of this bylaw to other persons and circumstances hereof.

2023 Annual Town Meeting

Select Board Finance and Warrant Commission

Public Hearing – March 1, 2023

(Updated February 28, 2023)



Select Board Meeting – February 27, 2023

The Select Board voted to take the following actions:

1. To use Miscellaneous Article #1 to create Budget 12 - Appropriation (\$1,850,000) - Fire Ladder Truck Borrowing.
2. To use Miscellaneous Article #2 to create Budget 13 - Appropriation (\$1,500,000) - Cemetery Expansion Construction Borrowing.



Budget 12 – Appropriation (\$1,850,000) – Fire Ladder Truck Borrowing

To see if the Town will vote to appropriate a sum of money to pay costs of purchasing and equipping a new ladder truck as a replacement for the Fire Department’s Ladder 1, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing, transfer from available funds or otherwise provided, or to take any other action relative thereto.

Equipment/Project	Amount	Funding Source
Fire Ladder Truck	\$1,850,000	Borrowing



Budget 13 – Appropriation (\$1,500,000) – Cemetery Expansion Construction Borrowing

To see if the Town will vote to appropriate a sum of money to pay all costs associated with expanding the Town's cemetery, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing, transfer from available funds or otherwise provided, or to take any other action relative thereto.

Equipment/Project	Amount	Funding Source
Cemetery Expansion Construction	\$1,500,000	Borrowing



Working Article No.	2023 Annual Town Meeting Article Description Select Board Sponsored Articles (as of February 28, 2023)	Sponsor
Budget – 1	FY23 Budget Adjustments by Transfer	Select Board
Budget – 2	FY23 Budget Adjustments by Appropriation (\$)	Select Board
Budget – 3	FY24 Operating Budget (Appendix “D”)	Select Board
Budget – 4	Appropriation (\$) – Municipal Capital Improvements	Select Board
Budget – 5	Appropriation (\$) – School Capital Improvements	Select Board
Budget – 6	Appropriation (\$) – Sewer Capital Improvements	Select Board
Budget – 7	Appropriation (\$) – Sewer Capital Borrowing	Select Board
Budget – 8	Appropriation (\$) – Additional Capital Improvements	Select Board
Budget – 9	Appropriation (\$) – Additional Capital Improvements	Select Board
Budget – 10	Appropriation (\$) – Stabilization Fund FY24	Select Board
Budget – 11	Appropriation (\$) – OPEB Liability Trust Fund FY24	Select Board
Budget – 12 <i>(used Misc. 1)</i>	Appropriation (\$1,850,000) – Fire Ladder Truck Borrowing	Select Board
Budget – 13 <i>(used Misc. 2)</i>	Appropriation (\$1,500,000) – Cemetery Expansion Construction Borrowing	Select Board

Working Article No.	2023 Annual Town Meeting Article Description Select Board Sponsored Articles (as of February 28, 2023)	Sponsor
Select Board – 1	Disposition of Town-Owned Property – 47 Willard Circle	Select Board
Select Board – 2	Home Rule Petition – An Act Creating the Appointed Positions of Town Treasurer and Tax Collector	Select Board
Misc.– 1	Miscellaneous Article – On February 27, 2023, the Select Board voted to use Misc. 1 to create Budget 12 – Appropriation (\$1,850,000) – Fire Ladder Truck Borrowing	Select Board
Misc.– 2	Miscellaneous Article – On February 27, 2023, the Select Board voted to use Misc. 2 to create Budget 13 – Appropriation (\$1,500,000) – Cemetery Expansion Construction Borrowing	Select Board
Misc.– 3	Miscellaneous Article	Select Board
Misc.– 4	Miscellaneous Article	Select Board
Misc.– 5	Miscellaneous Article	Select Board
Misc.– 6	Miscellaneous Article	Select Board
Misc.– 7	Miscellaneous Article	Select Board

Total of 25 Articles: Budget (13), Select Board (2), Miscellaneous (5), and Planning Board (5).

Budget Articles

The Budget Articles will be presented in more detail at the Finance and Warrant Commission Public Hearing on March 28, 2023.



Select Board Articles 1 & 2



Select Board 1 – Disposition of Town-Owned Property - 47 Willard Circle

To see if the Town will vote to transfer from care, custody, and control of the Select Board a certain parcel of land, known as 47 Willard Circle containing 0.17 acreage of land with structures thereon recorded at the Norfolk Registry of Deeds November 7, 2014, in Plan Book 32680 at Page 287, for the purpose of sale in accordance with the Town Charter and Bylaws and State Procurement statute MGL Chapter 30B all pursuant to Chapter 40 of the Massachusetts General Laws, or take any other action relative thereto.



Select Board 2 – Home Rule Petition – An Act Creating the Appointed Positions of Town Treasurer and Tax Collector

Article Language (page 1 of 3):

To see if the Town will vote to change the elected positions of treasurer and tax collector to appointed positions, and, in connection therewith, to authorize the Select Board to file with the General Court a home rule petition in the form set forth below; provided, however, that the General Court may make changes of form only to such bill without the prior approval of the Select Board, and, further, to authorize the Select Board to approve such amendments as are within the public purpose of the petition, or take any other action thereon.

AN ACT CREATING THE APPOINTED POSITIONS OF TOWN TREASURER AND TAX COLLECTOR IN THE TOWN OF WESTWOOD

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there shall be in the Town of Westwood the appointed offices of town treasurer and tax collector, which offices may, but need not, be held by the same person, and which shall be appointed pursuant to the provisions of the charter of the town of Westwood on file with the archivist of the commonwealth in accord with section 12 of chapter 43B of the general laws.



Select Board 2 – Home Rule Petition – An Act Creating the Appointed Positions of Town Treasurer and Tax Collector

Article Language (page 2 of 3):

SECTION 2. Said charter of the town of Westwood is hereby amended by deleting the text and title of section 7 of chapter 4 and inserting in place thereof, the following: 4-7 Moderator. 4-7-1. A moderator shall be elected for a term of 1 year, and may receive such compensation as may be appropriated by the town meeting.

SECTION 3. Subsection 1 of section 1 of chapter 8 of said town charter shall be amended by deleting the second sentence and inserting in place thereof the following sentence:- The department shall include the offices and functions of the town accountant, town treasurer, tax collector and board of assessors; provided, however, that although the office of the board of assessors shall be part of the department of municipal finance, such office shall continue to exercise its respective duties and responsibilities under the General Laws, except as otherwise provided in this charter.



Select Board 2 – Home Rule Petition – An Act Creating the Appointed Positions of Town Treasurer and Tax Collector

Article Language (page 3):

SECTION 4. Following the effective date of this act, the town administrator may appoint a qualified person or persons to said office(s), which person or persons need not be residents of the town of Westwood, and, upon the effective date of such appointment(s), the terms of any elected or appointed incumbents shall be terminated and the elected positions abolished.

SECTION 5. This act shall take effect upon its passage.



Select Board 2 – Home Rule Petition – An Act Creating the Appointed Positions of Town Treasurer and Tax Collector

Westwood Charter Review Committee

Priority Recommendation

- The Westwood Charter Review Committee (“Committee”) unanimously submits a priority recommendation that the Town of Westwood approve submittal of a home rule petition to the Massachusetts Legislature changing the method of selection for the Town Treasurer and Town Tax Collector.
- *Specifically, the Committee recommends that the elected positions of the Treasurer and Tax Collector be changed to appointed positions.*



How Did the Charter Review Committee Arrive at this Recommendation?

PROCESS OVERVIEW:

- The Westwood Select Board appointed this Committee in March 2022.
- To date, the Committee has met with 18 public officials during our 13 public meetings. The public has been invited to share input during each of our public meetings, including a meeting held specifically to gather such input from the public.
- Beginning in June 2022, the Committee began soliciting opinions from key stakeholders throughout the Town, including a survey the Committee created and sent to members of nearly all elected and appointed Town boards and committees.
- Participants in the process so far include members of the Select Board, Finance and Warrant Commission, School Committee, Treasurer, Tax Collector, Planning Board, Town Moderator and representatives from the Massachusetts Department of Revenue Division of Local Services.



How Did the Charter Review Committee Arrive at this Recommendation?

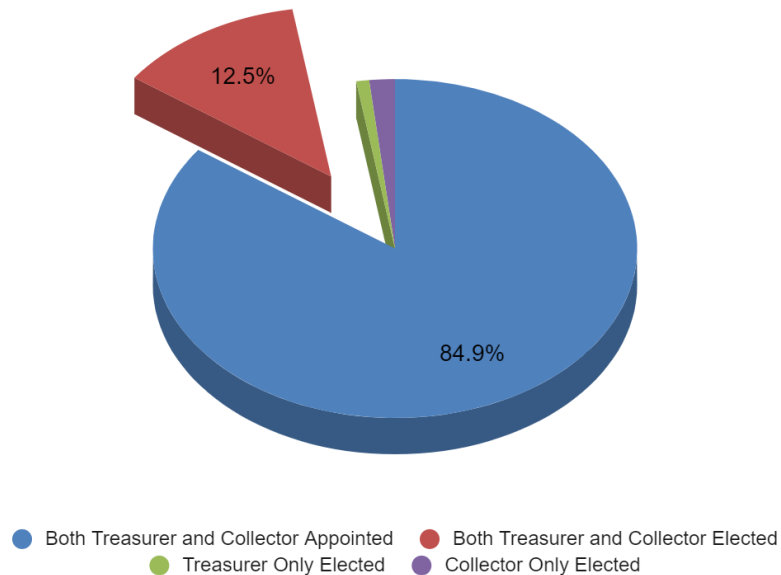
RATIONALE FOR PRIORITY RECOMMENDATION:

- The Committee has received feedback on a host of topics to date. Immediately, and overwhelmingly, we were urged to examine changing the offices of Treasurer and Tax Collector from elected to appointed.
- The Committee's recommendation is with regard to the positions and the roles and functions thereof. The recommendation is not about persons serving currently or previously – the Town has benefited immensely over the years from the election of particularly well-qualified candidates.
- As the duties and responsibilities of these roles have evolved from modest clerical & administrative positions to positions requiring significant professional expertise, the Town should no longer take the risk of simply hoping a qualified person runs for (and wins) election to such offices.
- If individuals without contemporary finance skills and expertise are elected, the potential adverse consequences to our Town finances cannot be overstated. Minimizing potential liability is a priority in an era where state and local municipal finance laws become ever more complicated and the Town's finances are subjected to strict requirements of bond rating agencies and impacted by bonding obligations.
- If the Town decides to act on this recommendation now, it is possible to have a local petition ready for the May 2023 Town Meeting warrant process.



Breakdown of Elected Treasurers & Collectors in Massachusetts Municipalities

Nearly 85% of municipalities in Massachusetts appoint the Treasurer and Collector positions. Westwood is one of the few communities that still elects the Treasurer and Collector (less than 13% of communities):



Why Should the Town Act Now Rather than Waiting for All Recommendations?

- The time is right to act now on the Treasurer and Town Collector recommendations.
- The most recently elected Treasurer stepped down voluntarily in October 2022 after many years of service, and the Select Board has named an interim Treasurer for a term expiring in 2024. The position of Town Collector is up for election in 2023.
- If the priority recommendation is adopted by Town Meeting, it is likely that the Massachusetts Legislature could approve the local petition prior to the next election cycle for Town Treasurer. Candidates for election to the Town Collector position at the 2023 election would be aware of the potential change to the position.
- The Committee is in the early stages of preparing comprehensive recommendations that we expect to submit for your consideration for the 2024 Town meeting cycle.



Questions or Comments for the Charter Review Committee

- The Committee welcomes feedback on this Priority Recommendation, as well as any other recommended Charter revisions.
- We meet nearly weekly, post all of our meeting agendas, and always include a public participation period – no need to tell us you are coming (although you are, of course, welcome to let us know!).
- Just a reminder that the Committee is examining Charter changes for the first time in over 10 years ago. As technology, law and other factors impact the community, our Charter also requires review.
- A Charter is a living document. As a Committee, we will continue to propose changes to the Charter that reflect Westwood's values and goals.

THANK YOU!



Select Board Miscellaneous Articles –

- These articles serve as placeholders to insert an article in support of Town Government that may come up before the official Warrant is approved.
- The town currently has five (5) miscellaneous articles remaining.



Questions?



Westwood Finance and Warrant Commission
FEBRUARY 14, 2023 REMOTE MEETING
ZOOM WEBINAR
7:00 PM
Meeting Minutes

Finance Commission Chairperson George Hertz called the meeting to order at 7:01PM. He read the Open Meeting Law pursuant to Chapter 20 of the Acts of 2021.

Finance and Warrant Commission members who were present: William Bruce Jr., John Carey, James Ferraro, Lauren Fitzpatrick, Rene Gauthier, Mike Gay, George Hertz, Angeila Hughes, Caitlyn Jurczak, George Laham, George Maroun, Kristina Patyjewicz, Christopher Poreda, Sean Weller, and Alexander Yale.

Chairperson Hertz then granted permission to Westwood Media Center to live stream and record the meeting. He also asked if anyone else would like to record this meeting.

He then welcomed all participants, members, presenters and members of public and press to the FinCom February 14, 2023 meeting.

Afterwards, Chairperson Hertz led members in the Pledge of Allegiance.

The Finance Commission administrator, Ms. Wong then called the ROLL.

Members were provided with the final agenda and all other related materials prior to the meeting.

The Evening's Presenters:

- Robert Gotti (Select Board Chair), Christopher Coleman (Town Administrator), Stephanie McManus (Finance Director) - Update on ATM2023 Budget Warrant Articles, FY24 Municipal Budget and FY24 Overall Budget

The Chair introduced the evening's first presentation. Robert Gotti (Select Board Chair), Christopher Coleman (Town Administrator) and Stephanie McManus (Finance Director) were present. Mr. Gotti thanked all of the FinCom members for their hard work and announced Ms. McManus will be presenting. Ms. Manus stated her power point slides were sent out prior to the meeting and are available on the town website. She also thanked everyone involved in the process for working collaboratively to present a well-rounded budget. She went over the FY24 Proposed municipal budget that includes service areas, highlighted changes to salaries and expenses and history of increases to the base budget. Then Ms. McManus presented the FY24

Proposed overall budget which included a high-level summary of proposed expenditures and revenue sources and details on proposed operating budget. Lastly, she provided a list of the next steps in the budget cycle and stated if there are any updates, it would be presented to FinCom prior to FinCom's public hearings. After her presentation, Mr. Gotti complimented Ms. McManus for coming up to speed so quickly. He then gave a brief explanation on how they budgeted the new growth for FY24 and how free cash is being used in the budget. Mr. Coleman added that all these factors helped with their AAA bond and low interest rates in borrowing. Afterwards, a Q&A from members took place. There was one follow up question for Ms. McManus on how much money of FY22 budget was rolled over to free cash. Chairperson Hertz thanked Ms. McManus, Mr. Gotti and Mr. Coleman for their wonderful work on the presentation.

- Emily Parks (Superintendent) and Lemma Jn-Baptiste (WPS Director of Finance and Operations) – FY24 School Budget

The Chair introduced the evening's final presentation. Emily Parks (Superintendent) and Lemma Jn-Baptiste (WPS Director of Finance and Operations) were present. Charlie Donahue, Tony Mullin, Maya Plotkin (Members of the School Committee) were also present. Superintendent Parks presented the context for the FY24 School Budget and the FY24 Proposed operating budget which included revisions since production of the School Budget Book. During the budget development process, Ms. Parks stated it has been a very challenging year. Following Ms. Park's presentation, Ms. Jn-Baptiste gave an overview of the FY24 Proposed capital school budget. Towards the end of their presentation, Ms. Parks and Ms. Jn-Baptiste spent considerable time answering members' questions. The Chair then entertained questions from the School Committee. Mr. Mullin reiterated that the METCO program has been a great addition to the community. Chairperson Hertz thanked Mr. Mullin for the nice comment and then thanked Superintendent Parks and Ms. JnBaptiste for their excellent work on the presentation.

Member Discussion:

- Chair's update: Chairperson Hertz announced meetings will be in person starting with the Public Hearing on February 28th. Then he asked all subcommittees to schedule their meetings with their respective town and school departments. He also reminded FinCom

members the subcommittee reports are due on March 14th. In addition, he mentioned the public hearing mailers will be going out to town residents.

- Vice Chair's Update:
 - Vice Chair Poreda & the Capital Budget Subcommittee met with the Town Administrator, Finance Director and School officials for the capital budget meetings. He recommended that the Select Board should separate warrant articles for the additional capital projects that require borrowing.
 - For the WHA meeting, Vice Chair Poreda reported that in 2018, the town created an Affordable Housing Account and the funds appropriated by TM since that time or WHA have been used by WAHA for maintenance on the units they already managed. Also, this year there is no proposed appropriation for WHA since WAHA has income from linkage fees paid by the developers which go directly into the affordable housing account.
 - Hale Info Session – Vice Chair provided background information on Hale Education's proposal to provide a conservation restriction on its land in return for the Town contributing toward its endowment fund. Based on the info session he attended, he suggested the Town should consider getting some input from taxpayers on Hales' proposed conservation restriction.
- Ms. Wong will help members coordinate their subcommittee meetings with the department heads.
- One member asked about how questions from the members should be handled. Chairperson Hertz stated he would like to give everyone a chance to ask questions and asked members to keep their questions to a specific area in order to let others ask questions. Members can then ask additional questions after others have had a chance to ask their questions.
- One member expressed concern that the Hale Info Session report might warrant a future meeting. The Chair stated since there is no warrant article on this matter before the Commission there is nothing for the Commission to review. The Chair will talk to the Town Manager about when an update might be appropriate..

- Members were asked to review and approve the meeting minutes for January 31, 2023. A motion was offered and seconded. A ROLL call took place. Fourteen members approved the minutes. One member abstained.

Chairperson Hertz then entertained questions from the public and the press.

- One resident was wondering when there will be talks regarding the needs of the Westwood Fire Department. She also expressed concern about the funding for the public safety budget. The Chair asked the Public Safety Subcommittee to raise that issue with the Fire Chief when they meet and report to the Commission.
- A second resident wanted to know the reason why Fire Department contracts are not being discussed in the meeting. The Chair pointed out that the FinCom cannot discuss ongoing negotiations.

The Chair thanked members for attending and asked for a motion to adjourn. A motion was offered and seconded. All fifteen members were in favor.

Meeting Adjourned at 9:21PM

For a complete video of the 02/14/23 FinCom meeting please see the following link:
<https://westwoodmediacenter.tv/>