



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: September 1, 2023
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 General by-laws.

These amendments were voted under **Article 19** of the Warrant for the 2023 Annual Town Meeting, which meeting was held on May 1, 2023 and approved by the Attorney General on August 30, 2023.

General by-laws and amendments will take effect on the date of this posting per *MGL. Ch 40 §32(1)*.

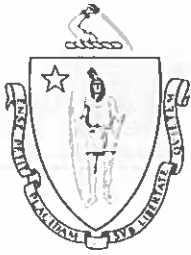
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

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 2023 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



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

RECEIVED

By Town Clerk at 3:48 pm, Aug 30, 2023

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

August 30, 2023 A TRUE COPY ATTEST:

Dorothy A. Powers, Town Clerk
Town of Westwood
Town Clerk's Office
580 High Street
Westwood, MA 02090


Town Clerk
Westwood, Massachusetts

Re: Westwood Annual Town Meeting of May 1, 2023 -- Case # 11043
Warrant Articles # 16, 17, 18, 20 (Zoning)
Warrant Article # 19 (General)

Dear Ms. Powers:

Articles 16, 18, 19, and 20 - We approve Articles 16, 18, 19, and 20 from the May 1, 2023 Westwood Annual Town Meeting.

Article 17 - The Attorney General's deadline for a decision on Article 17 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 60-day extension is attached hereto. We will issue our decision on Article 17 on or before **October 30, 2023**.

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.

RECEIVED
By Town Clerk at 3:48 pm, Aug 30, 2023

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Patrick J. Ahearn



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, M.A. & C.M.C.
Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 19 of the Warrant for the Annual Town Meeting held on May 1, 2023:

Annual Town Meeting Article 19: Amendments to General Bylaws Related to Dumpsters

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator 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.

Witness my hand and seal of the Town of Westwood this 31st day of August, 2023

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

**

Approved by Attorney General 8/30/2023



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: September 1, 2023
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 16, 18 & 20** of the Warrant for the 2023 Annual Town Meeting, which meeting was held on May 1, 2023 and approved by the Attorney General on August 30, 2023.

Zoning by-laws and amendments are deemed to take effect back on the date they are voted by Town Meeting (5/1/2023) per *MGL Ch.40§32(2)*.

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 (90) 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 2023 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



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, M.C.C.M.C.
Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 16 of the Warrant for the Annual Town Meeting held on May 1, 2023:

Annual Town Meeting Article 16: Amendments to Zoning Bylaw Related to Earth Material Movement(EMM)

The Finance and Warrant Commission recommended and the Town voted by a unanimous 2/3 voice vote in favor declared by the Moderator 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	AR O
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	AR O
<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 **EHDR 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 EHDR** Approval shall be granted by the **Planning Board Town Planner** only upon its written determination that operations conducted under such **EHDR 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 Town Planner** 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 **EHDR 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 **EHDR 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 **EHDR 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.

Witness my hand and seal of the Town of Westwood this 31st day of August, 2023

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

**Attory General Approved 8/30/2023



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

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

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 18 of the Warrant for the Annual Town Meeting held on May 1, 2023:

Annual Town Meeting Article 18: Amendments to Zoning Bylaws Related to Dumpsters

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator 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 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.

Witness my hand and seal of the Town of Westwood this 31st day of August, 2023

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

****Attorney General Approved 8/30/2023**





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 20 of the Warrant for the Annual Town Meeting held on May 1, 2023:

Annual Town Meeting Article 20: Housekeeping Amendments to Zoning Bylaw

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator 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												
	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 ⁴⁰⁸	N	N
4.1.5.25 Substance Rehabilitation or Treatment Facility	N	N	N	N	N	N	N	N	N	N	N ⁴⁰²	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 7.7 ⁴⁰¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.7.6 Roof-mounted Solar ⁴⁰¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.7.7 Large Scale Solar pursuant to Section 7.7 ⁴⁰¹	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.
- ¹⁰¹¹ 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 ²¹	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.7 Other Solar pursuant to Section 7.7 ²¹	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 ²¹	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	N	N	N	N	N	N	N	N	N	Y	Y	Y	BA ⁴²

display.													
4.3.5.4 Parking Garage ^{4,2}	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.~~9~~10.5.1 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 Dimensions] 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 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>	<u>FMUOD 6</u>	<u>FMUOD 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 9.5.415.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

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.

Witness my hand and seal of the Town of Westwood this 31st day of August, 2023

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town

****Approved by Attorney General 8/30/2023**