



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 10, 2024
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 and General By-laws.

These amendments were voted under *Zoning Articles 18,19, 20 ,21, 22 and General by-law Articles 23 and 24* of the Warrant for the 2024 Annual Town Meeting, which meeting was held and dissolved on May 6, 2024.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice.

Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

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

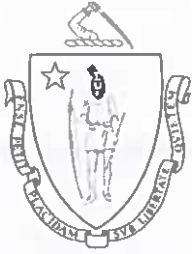
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:


Dorothy A. Powers, MMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendments to the Zoning and General by-laws of the Town of Westwood voted under the aforementioned articles of the 2023 Annual Town Meeting on five bulletin boards erected by the town in public places in each of the five precincts of the Town.


Lt. Christopher Sheehy, Constable



Received September 6, 2024 @ 3:37 PM

By: Westwood Town Clerk

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

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

September 6, 2024

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

Re: Westwood Annual Town Meeting of May 6, 2024 - Case # 11473
Warrant Articles # 18, 19, 20, 21, and 22 (Zoning)
Warrant Articles # 23 and 24 (General)

Dear Ms. Powers:

Articles 18-24 – We approve Articles 18, 19, 20, 21, 22, 23 and 24 from the Westwood Annual Town Meeting of May 6, 2024. We will return the approved map amendments by regular mail. Our comments regarding Article 21 are detailed below.

Article 21 – Under Article 21 the Town amended Section 9.9, Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) and the zoning map related to the MUMFROD, including the following provisions regarding the fiscal impact of any multi-family project that requires a special permit review (emphasis added):

9.9.12.10 Fiscal Analysis. All MUMFROD Special Permit applications requesting a residential density greater than 15 units per acre in MUMFROD1 or MUMFROD4, or greater than 20 units per acre in MUMFROD2, or greater than 35 units per acre in MUMFROD3, *shall submit a fiscal analysis demonstrating that the additional proposed residential units will have no significant negative fiscal impact to the Town.*

* * * * *

9.9.15.1 In cases where a MUMFROD Special Permit allows for residential density in excess of 15 units per acre in MUMFROD1 or MUMFROD4, or in excess of 20 units per acre in MUMFROD2, or in excess of 35 units per acre in MUMFROD3, the Planning Board must find that the higher residential density is necessary for the project’s feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. *Additionally, the Board must find that the fiscal impact from the additional residential units will not have a significant negative fiscal impact on the Town, or that that the Applicant has appropriately mitigated any negative fiscal impact so as to render the project sufficiently beneficial to the Town.*

In applying these provisions, the Town should be aware of recent Land Court decisions analyzing whether a municipality may deny a special permit for multi-family housing based on fiscal concerns. In Bevilacqua Co. v. Lundberg, No. 19 MISC 000516 (HPS), 2020 WL 6439581, at *8-9 (Mass. Land Ct. Nov. 2, 2020), judgment entered, No. 19 MISC 000516 (HPS), 2020 WL 6441322 (Mass. Land Ct. Nov. 2, 2020) the court ruled that the Gloucester City Council's denial of a special permit to construct an eight-unit multi-family building based on the potential fiscal impact of the proposed development on the Gloucester public schools was "legally untenable." Id. at *9. The Land Court explained that because the right to a public education is mandated and guaranteed by the Massachusetts Constitution, (see McDuffy v. Secretary of the Executive Office of Educ., 415 Mass. 545, 621 (1993) and Hancock v. Comm'r of Education, 443 Mass. 428, 430 (2005)), "[a denial of] a special permit to build housing because the occupants of that housing might include children who will attend public schools is [a denial of the children's] constitutional right under the Massachusetts Constitution to a public education." Id. at *8 (citing McDuffy and Hancock). "Therefore, notwithstanding the fiscal impact to a municipality from the construction of housing that may result from the obligation to educate children in the public schools, fiscal impact, as a reason for denying permits to construct housing, must give way when it runs afoul of the constitutional obligation of Massachusetts municipalities to provide a public education to all children." Id. at *9.

The Bevilacqua decision also raises, but does not resolve, the question whether consideration of fiscal impacts from increase in demands on other essential public services is similarly unlawful in the context of multi-family housing:

Generally, a municipality may not condition the availability of fundamental public services, such as fire protection, on the ability of any particular member of the public to pay taxes sufficient to support those services. Emerson College v. City of Boston, 391 Mass. 415 (1984) (city may not charge "augmented fire services availability" fee for fire protection for properties requiring additional protection). That prohibition against denying members of the public the right to fundamental public services based on ability to pay is especially applicable when it comes to the right to a public education mandated and guaranteed by the Massachusetts Constitution.

Id. at *8.

Similarly, in 160 Moulton Drive LLC v. Shaffer, No. 18 MISC 000688 (RBF), 2020 WL 7319366, at *13-15 (Mass. Land Ct. Dec. 11, 2020), judgment entered, No. 18 MISC 000688 (RBF), 2020 WL 7324778 (Mass. Land Ct. Dec. 11, 2020), the court rejected a town's argument that the financial impact of educating the number of school-aged children projected to live in a set of apartments would be greater than the increased tax revenue, thus making the apartment use "substantially more detrimental" (in the language of the applicable by-law) than the existing restaurant use. As the Land Court made clear, "[t]he Town cannot deny a permit on the grounds that its own property tax scheme is insufficient to provide for the needs of its inhabitants. Whether the Town has enough funds to provide public education for its school-aged children is simply not a matter for the Board to consider in reviewing special permit applications." Id. at *14 (citing Bevilacqua at *8-9).

The court in 160 Moulton Drive LLC appears to share the Bevilacqua court's question of

whether increased demand for *any* essential public service is a lawful consideration when reviewing a special permit for multi-family housing:

Denial of a special permit on the grounds that increased tax revenue would not support the education of the children living therein is tantamount to conditioning the availability of public services on the ability of the residents to pay for them, which I find to be unreasonable and arbitrary. See Emerson College v. City of Boston, 391 Mass. 415 (1984).

Id. at *14. The Town should consult with Town Counsel with any questions on these issues.

Finally, the Attorney General's approval of the by-law amendments adopted under Article 21 pursuant to G.L. c. 40, § 32 means that the by-law amendments will have lawful effect once the Town completes the posting/publishing requirements of G.L. c. 40, § 32. However, the Town must separately obtain the Executive Office of Housing and Livable Communities (EOHLC)'s determination that the Town has complied with Section 3A. See EOHLC "Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act," p. 17.

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.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Margaret J. Hurley

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

cc: Town Counsel Patrick Ahearn



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.M.C. E.M.C.

Town Clerk

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To Whom It May Concern:

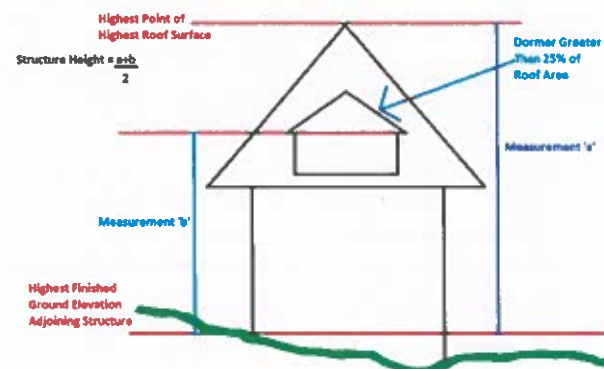
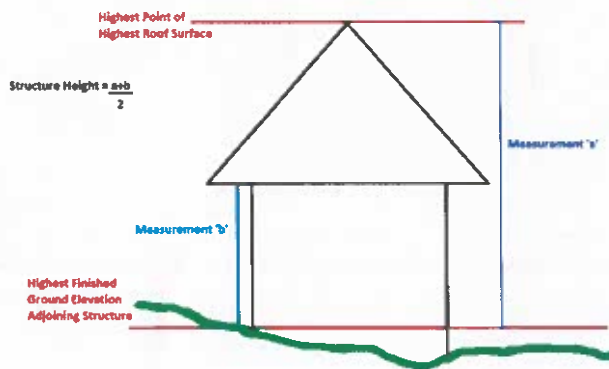
I hereby certify the following action taken under Article 18 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 18 - Zoning Bylaw Amendments Relative to Definitions

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator using electronic voting(272-YES;103-NO) to approve certain amendments to Zoning Bylaw Section 2.0 [Definitions] to revise, expand, clarify and/or illustrate the definition of various terms used within the bylaw, as follows, or take any other action in relation thereto:

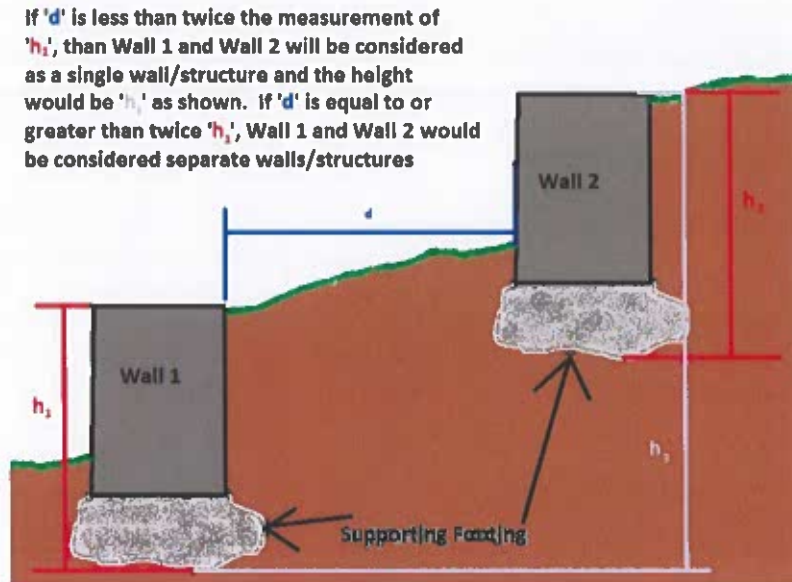
- 1) Revise the definition for "Building Height" to add two illustrations, so that the revised definition reads as follows:

Building Height The vertical distance from grade plane to the average height of the highest roof surface. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are used in no way for human occupancy. ([See illustrations.](#))

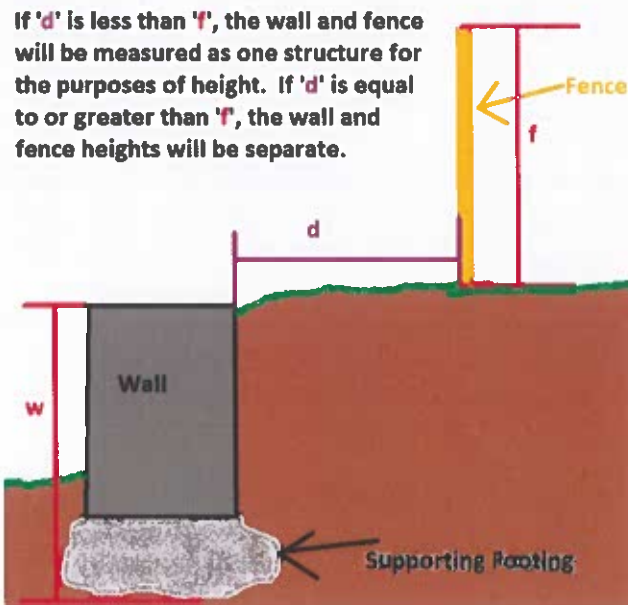


- 2) Revise the definition for "Lot Width" to read as follows:
Lot Width The minimum distance between the side lot lines at all points between the front lot line through the extent of the required front setback distance.
- 3) Revise the definition for "Yard, Rear" to read as follows:
Yard, Rear A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the principal building projected to the side lines of the lot.
- 4) Add new definition for "Detached Accessory Structure" to read as follows:
Detached Accessory Structure A structure which is not physically attached to any primary structure on a property, is located remotely from that structure, and is self-supporting/freestanding. The use of an accessory structure shall not be dependent upon the primary structure and physical access must be independent. For example, a deck which is not connected to a house, but can be accessed directly from the interior would not be considered a detached structure.

- 5) Add a new definition for “Retaining Wall Height” to read as follows, including illustration:
 Retaining Wall Height A retaining wall’s height is determined from the bottom of the footing (or lowest level of constructed support) to the top of the wall. In the case of two or more terrace-style walls, if the distance between walls is less than twice the height of the lower wall, they are considered the same wall/structure. If the separation distance is more than twice the height of the lower wall, they are considered as separate walls/structures. (See illustration.)



- 6) Add a new definition for “Combined Wall and Fence Height” to read as follows, including illustration:
 Combined Wall and Fence Height When a fence is installed adjacent to and above a wall (retaining or otherwise), and not separated by a distance equal to the fence’s height, the wall and fence shall be measured together. If they are separated by more than the height of the fence, the fence is determined to be independent of the wall for the purposes of determining height. (See illustration.)



- 7) Revise the definition for “Affordable Housing” to define “Affordable Housing/Affordable Dwelling Units” to read as follows:
 Affordable Housing/Affordable Dwelling Units All Affordable Housing/Affordable Dwelling Units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Executive Office of Housing & Livable Communities (EOHLC), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies, where dwelling units are subject to a restriction in the chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Such dwelling units

shall be affordable to households at or below eighty (80) percent of the Boston-Cambridge-Quincy, MA-NH Area Median Income as most recently reported by the U.S. Department of Housing and Urban Development (HUD). All said dwelling units shall be designed to count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity. All affordable units shall be indistinguishable from market rate units within the same development and shall be scattered throughout a project. Where Affordable Housing is required pursuant to any Section of this Bylaw, the minimum number of Affordable Dwelling Units shall be as follows:

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

Witness my hand and seal of the Town of Westwood this 9th day of September 2024

Attest:



**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

*AG Approval 9/6/2024



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.M.C. E.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 6, 2024:

ARTICLE 19 - Zoning Bylaw Amendment Relative to Zoning Map References for Overlay Districts

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator using electronic voting (**305-YES;80-NO**), to approve certain amendments to Zoning Bylaw Section 9.1.2 [Adult Uses Overlay District (AUOD) - Location], Section 9.4.2 [Wireless Communications Overlay District (WCOD) - Location], and Section 9.8.2 [Substance Rehabilitation Facility Overlay District (SRFOD) - Location] to remove specific street addresses and parcel descriptions of properties included within various overlay districts and to confirm that the location of said overlay districts are as shown on the Official Zoning Map, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough]

1) Amend Section 9.1.2 [Adult Uses Overlay District (AUOD) - Location] to read as follows:

9.1.2 **Location.** The AUOD is herein established as an overlay district. The AUOD shall include the area as shown on the Official Zoning Map within the Adult Uses Overlay District (AUOD), which area is generally located east of University Avenue, between in the vicinity of Yale Street and Rosemont Road Dartmouth Street. ~~The AUOD is located on the following parcels as shown on the Westwood Board of Assessors Map 38, Lots 3, 4, 5, 9 and 14, as of May 5, 1997.~~

2) Amend Section 9.4.2 [Wireless Communications Overlay District (WCOD) - Location] to read as follows:

9.4.2 **Location.** The Wireless Communication Overlay District– (WCOD+) is herein established as an overlay district. The WCOD shall include all land within the Administrative-Research-Office (ARO), Highway Business (HB), Industrial (I), and Industrial-Office (IO) districts, as well as other specific parcels as shown on the Official Zoning Map within the Wireless Communication Overlay District (WCOD) and as described herein.

~~9.4.2.1—The WCOD shall comprise all land within the following zoning districts:~~

~~Administrative-Research-Office (ARO)~~

~~Highway Business (HB)~~

~~Industrial (I)~~

~~Industrial-Office (IO)~~

~~9.4.2.2—The WCOD shall also include the following specific parcels, or discrete portions of parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2014:~~

~~Parcel 04-001 (Hale Reservation, limited to existing utility easement);~~

~~Parcel 09-065 (Dedham-Westwood Water District water towers);~~

~~Parcel 14-046 (High Street Fire Station);~~

~~Parcel 14-071 (Town Hall);~~

~~Parcel 14-072 (Police Station);~~

~~Parcel 14-079 (Westwood Public Library);~~

~~Parcel 14-094 (Deerfield School);~~

Parcel 14-096 (St. John's Episcopal Church);
Parcel 14-140 (First Baptist Church);
Parcel 14-181 (Colburn School Building);
Parcel 16-005 (Hanlon School); Parcel 16-238 (St. Denis Church);
Parcel 16-250 (First Evangelical Free Church);
Parcel 20-072 (Baker Conservation Area, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcel 20-072 (Baker Conservation Area), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);
Parcel 21-044 (St. Margaret Mary Church);
Parcel 21-047 (Thurston Middle School);
Parcel 21-048 (Westwood High School);
Parcel 21-050 (First Parish of Westwood United Church);
Parcel 21-064 (First Parish of Westwood United Church);
Parcel 23-189 (Islington Community Center);
Parcel 23-215 (Islington Fire Station and Morrison Field);
Parcel 24-135 (Downey School);
Parcels 27-022 and 27-221 (June Street Conservation Area, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcels 27-022 and 27-221 (June Street Conservation Area), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);
Parcel 28-077 (Sheehan School);
Parcel 28-078 (Sheehan Fields, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcel 28-078 (Sheehan Fields), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);
Parcel 28-329 (Temple Beth David);
Parcels 29-123 (Westwood Lodge);
Parcel 35-089 (Martha Jones School); and
That abandoned portion of public right of way which extends from the intersection of Grove Street and Country Club Road to Route 128.

- 3) Amend Section 9.8.2 [Substance Rehabilitation Facility Overlay District (SRFOD) - Location] to read as follows:

9.8.2 **Location.** The Substance Rehabilitation Facility Overlay District (SRFOD) is herein established as an overlay district. The SRFOD shall include the ~~following specific parcels, as area~~ shown on the Official Zoning Map within the Substance Rehabilitation Facility Overlay District (SRFOD) Westwood Board of Assessors' Map, as of January 1, 2021:

Parcel 17-172 (40 Allied Drive/Circumferential Highway);
Parcel 17-173 (100 Allied Drive/Circumferential Highway);
Parcel 17-174 (122 Allied Drive/Circumferential Highway);
Parcel 17-176 (333 Dedham Elm/Circumferential Highway); and
Parcel 17-177 (259 Dedham Elm/Circumferential Highway).

Witness my hand and seal of the Town of Westwood this 9th day of September, 2024

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

*AG approval 9/6/2024



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers MMC, CMMC

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 6, 2024:

ARTICLE 20 - Zoning Bylaw Amendment Relative to Accessory Apartments

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator using electronic voting(**334-YES;52-NO**), to approve certain amendments to Zoning Bylaw Section 8.5 [Accessory Apartments] to more clearly describe design requirements for Accessory Apartments, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough]

- 1) Revise Sections 8.5.6.2 and 8.5.6.3 to replace the term "floor area" with the term "gross floor area", so that the revised Sections 8.5.6.2 and 8.5.6.3 read as follows:
 - 8.5.6.2 The gross floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.
 - 8.5.6.3 The gross floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the gross floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the gross floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.

Witness my hand and seal of the Town of Westwood this 6th day of September, 2024

Attest:

Dorothy A. Powers

**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

**AG Approval 9/6/2024*



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 21 of the Warrant for the Annual Town Meeting held on May 6, 2024

ARTICLE 21 - Zoning Bylaw & Zoning Map Amendments Relative to Mixed-Use & Multi-Family Residential Overlay District

The Finance and Warrant Commission recommended and the Town voted by a Majority vote in favor declared By the Moderator using electronic voting(**229-YES;165-NO**) to approve certain amendments to Zoning Bylaw Section 9.9 [Mixed-Use & Multi-Family Residential Overlay District (MUMFROD)], and certain amendments to the Official Zoning Map affecting the MUMFROD, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough.]

1) Revise Section 9.9.2 [Location] to read as follows:

9.9.2 **Location.** ~~The Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) is herein established as an overlay district Four (4) distinct Mixed-use & Multi-family Residential Overlay Districts – MUMFROD1, MUMFROD2, MUMFROD3, and MUMFROD4 – are herein established as overlay districts as shown on the Official Zoning Map and as described herein. The MUMFROD shall include the following specific parcels, as shown on the Westwood Board of Assessors 'Map, as of January 1, 2022:~~

~~Parcel 23-226 (22 Everett Street);~~

~~Parcel 23-227 (Everett Street);~~

~~Parcel 33-019 (85-91 University Avenue);~~

~~Parcel 33-054 (95 University Avenue); and~~

~~Parcel 33-056 (120 & 130 University Avenue).~~

~~9.9.2.1 **MUMFROD1: Low Density MUMFROD Overlay District.** MUMFROD1 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 1.~~

~~9.9.2.2 **MUMFROD2: Medium Density MUMFROD Overlay District.** MUMFROD2 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 1.~~

~~9.9.2.3 **MUMFROD3: High Density MUMFROD Overlay District.** MUMFROD3 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 2.~~

~~9.9.2.4 **MUMFROD4: Low Density Ground Floor Commercial MUMFROD Overlay District.** MUMFROD4 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 3.~~

2) Revise Section 9.9.3 [Granting Authority] to read as follows:

9.9.3 **Granting Authority.** The Planning Board shall be the granting authority for all approvals under this Section. Multi-family residential units and mixed-use development, including any one or more of the specific uses set forth in Section 9.9.5, may be permitted to the extent authorized under a MUMFROD Environmental Impact & Design Review (MUMFROD-EIDR) Approval in compliance with the provisions of this Section. Applications exceeding the maximum residential density set forth in Section 9.9.6.1 shall require a MUMFROD Special Permit from the Planning Board. Any EIDR approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into the MUMFROD-EIDR Approval ~~efor~~ MUMFROD Special Permit and no separate EIDR Approval shall be required.

3) Revise Section 9.9.5 [Permitted Uses] to read as follows:

9.9.5 **Permitted Uses.** MUMFROD-EIDR Approvals and MUMFROD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the MUMFROD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple uses may be contained within a single building or structure pursuant to an MUMFROD-EIDR Approval or MUMFROD Special Permit. In addition, a mix of the following residential and non-residential uses, to the extent authorized under this Section, are permitted as-of-right upon grant of a MUMFROD-EIDR Approval or MUMFROD Special Permit by the Planning Board. Any use not listed below as specifically permitted in a MUMFROD development is deemed prohibited.

9.9.5.1 Uses Permitted by MUMFROD-EIDR Approval or MUMFROD Special Permit in the MUMFROD1, MUMFROD2 and MUMFROD3 Districts:

- 9.9.5.1.1 Multi-family Residential Dwelling Units (per density requirements of Section 9.9.6)
- 9.9.5.1.2 Bank, Financial Institution
- 9.9.5.1.3 Child Care Facility
- 9.9.5.1.4 Coffee Shop
- 9.9.5.1.5 Educational Use
- 9.9.5.1.6 Ice Cream Parlor
- 9.9.5.1.7 Institutional Use
- 9.9.5.1.8 Office of a Health Care Professional
- 9.9.5.1.9 Personal Services Establishment
- 9.9.5.1.10 Pet Care Facility
- 9.9.5.1.11 Professional Services Establishment
- 9.9.5.1.12 Recreation Facility, Indoor or Outdoor
- 9.9.5.1.13 Restaurant, with or without entertainment
- 9.9.5.1.14 Retail Sales & Services
- 9.9.5.1.15 Accessory parking and accessory parking structures to any of the above permitted uses
- 9.9.5.1.16 Accessory Uses such as solar arrays, sports courts, outdoor seating, patios, and recreational play areas

9.9.5.2 Uses Permitted by MUMFROD-EIDR Approval or MUMFROD Special Permit in the MUMFROD4 District:

- 9.9.5.2.1 Upper Story Multi-family Residential Dwelling Units (per density requirements of Section 9.9.6) with Ground Story Commercial Use(s)
- 9.9.5.2.2 Bank, Financial Institution
- 9.9.5.2.3 Child Care Facility
- 9.9.5.2.4 Coffee Shop
- 9.9.5.2.5 Educational Use
- 9.9.5.2.6 Ice Cream Parlor
- 9.9.5.2.7 Institutional Use
- 9.9.5.2.8 Office of a Health Care Professional
- 9.9.5.2.9 Personal Services Establishment
- 9.9.5.2.10 Pet Care Facility
- 9.9.5.2.11 Professional Services Establishment
- 9.9.5.2.12 Recreation Facility, Indoor or Outdoor
- 9.9.5.2.13 Restaurant, with or without entertainment
- 9.9.5.2.14 Retail Sales & Services
- 9.9.5.2.15 Accessory parking and accessory parking structures to any of the above permitted uses
- 9.9.5.2.16 Accessory uses such as solar arrays, sports courts, outdoor seating, patios, and recreational play areas

4) Revise Section 9.9.6 [Residential Density Allowances] to read as follows:

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

- 9.9.6.1 Multi-family Residential Dwelling Units at a maximum density of 15 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD1 and MUMFROD4 Districts.
- 9.9.6.2 Multi-family Residential Dwelling Units at a maximum density of 20 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD2 District.
- 9.9.6.3 Multi-family Residential Dwelling Units at a maximum density of 35 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD3 District.
- 9.9.6.4 Multi-family Residential Dwelling Units at a density exceeding 15 units per acre in either the MUMFROD1 District or the MUMFROD4 District, or exceeding 20 units per acre in either the MUMFROD2 District, or Multi-family Residential Dwelling Units at a density exceeding 35 units per acre in the MUMFROD3 District, shall require a MUMFROD Special Permit, which may be issued at the discretion of the Planning Board. Any

residential units over and above 15 units per acre in MUMFROD1 or MUMFROD4, or above 20 units per acre in MUMFROD2, or above 35 units per acre in MUMFROD3, shall be subject to the Fiscal Analysis submittal requirement outlined in Section 9.9.12.10. In the case of a mixed-use MUMFROD development where all residential units are located on upper stories above first floor commercial uses, whether in MUMFROD1, MUMFROD2, MUMFROD3, or MUMFROD4, the maximum residential density shall be calculated by dividing the aggregate lot area of all parcels within the MUMFROD development by the total number of residential units. In all other cases, the residential density shall be calculated by dividing only that portion of the lot area which is attributable to residential development by the total number of residential units in the MUMFROD development.

5) Revise Section 9.9.12.10 [Fiscal Analysis] to read as follows:

9.9.10 **Affordability Requirements.** Where any project authorized under this bylaw will result in the development of at least eight (8) ~~new~~ residential dwelling units, ~~the minimum number of dwelling units specified in the table below a~~ minimum of 15% of those residential dwelling units shall be restricted to meet the definition of Affordable Housing/Affordable Dwelling Units in Section 2.0 of this Bylaw ~~and in the Rules and Regulations~~. Notwithstanding the above, the minimum number of Affordable Dwelling Units shall be reduced from a minimum of 15% to a minimum of 10% unless the higher percentage is supported by an economic feasibility analysis accepted by the Executive Office of Housing & Livable Communities (EOHLC), or successor, in accordance with EOHLC's Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, revised through August 17, 2023. All such affordable dwelling units shall be contained within the MUMFROD project unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs after consultation with the Westwood Housing Partnership and the Westwood Housing Authority. ~~The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said dwelling units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity. All affordable units shall be indistinguishable from market rate units within the same development and shall be scattered throughout a project.~~

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

6) Revise Section 9.9.12.10 [Fiscal Analysis] to read as follows:

9.9.12.10 **Fiscal Analysis.** All MUMFROD Special Permit applications requesting a residential density greater than 15 units per acre in MUMFROD1 or MUMFROD4, or greater than 20 units per acre in MUMFROD2, or greater than 35 units per acre in MUMFROD3, shall submit a fiscal analysis demonstrating that the additional proposed residential units will have no significant negative fiscal impact to the Town.

7) Revise Section 9.9.15 [Special Permit Decision] to read as follows:

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

9.9.15.1 In cases where a MUMFROD Special Permit allows for residential density in excess of 15 units per acre in MUMFROD1 or MUMFROD4, or in excess of 20 units per acre in MUMFROD2, or in excess of 35 units per acre in MUMFROD3, the Planning Board must find that the higher residential density is necessary for the project's

feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. Additionally, the Board must find that the fiscal impact from the additional residential units will not have a significant negative fiscal impact on the Town, or that that the Applicant has appropriately mitigated any negative fiscal impact so as to render the project sufficiently beneficial to the Town.

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

- 8) Amend the Official Zoning Map to remove the current Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) district from the Official Zoning Map, and to add Mixed-Use & Multi-Family Residential Overlay District 1 (MUMFROD1), Mixed-Use & Multi-Family Residential Overlay District 2 (MUMFROD2), Mixed-Use & Multi-Family Residential Overlay District 3 (MUMFROD3), and Mixed-Use & Multi-Family Residential Overlay District 4 (MUMFROD4) to the Official Zoning Map, with specific parcels included in each overlay district as follows:

MUMFROD1: Low Density (15 Units per Acre) MUMFROD Overlay District

Parcel 17-055 (121 Providence Highway);
Parcel 17-056 (115 Providence Highway);
Parcel 17-057 (89-91 Providence Highway);
Parcel 17-059 (75-85 Providence Highway);
Parcel 17-060 (71 Providence Highway);
Parcel 17-172 (40 Allied Drive, Dedham);
Parcel 17-173 (100 Allied Drive, Dedham);
Parcel 24-074 216-310 Providence Highway);
Parcel 26-016 (1 University Avenue);
Parcel 33-006 (90-100 Brigham Way);
Parcel 33-008 (160 University Avenue);
Parcel 33-051 (Parcel Whitewood Road);
Parcel 33-053 (140 University Avenue);
Parcel 33-058 (80 University Avenue); and
Parcel 33-059 (Parcel University Avenue).

MUMFROD2: Medium Density (20 Units per Acre) MUMFROD Overlay District

Parcel 23-226 (22 Everett Street); and
Parcel 23-227 (Everett Street).

MUMFROD3: High Density (35 Units per Acre) MUMFROD Overlay District

Parcel 33-019 (85-91 University Avenue);
Parcel 33-054 (95 University Avenue); and
Parcel 33-056 (120 & 130 University Avenue).

MUMFROD4: Low Density (15 Units per Acre) Ground Floor Commercial MUMFROD Overlay District

Parcel 14-010 (679-697 High Street);
Parcel 21-040 (911-929 High Street); and
Parcel 21-041 (915 High Street).

Witness my hand and seal of the Town of Westwood this 9th day of September, 2024

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

*AG Approval 9/6/2024



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

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

Town Clerk

Justice of the Peace

Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 22 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 22 - Zoning Bylaw & Zoning Map Amendments Relative to Wireless Communication Facilities

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote declared by the Moderator using electronic voting(**212-YES;16-NO**) to approve certain amendments to Zoning Bylaw Section 9.4 [Wireless Communication Overlay District (WCOD)] and Section 9.7 [University Avenue Mixed Use District (UAMUD)], and/or to the Official Zoning Map, in order to permit the potential expansion of wireless communication service coverage throughout Westwood, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough]

- 1) Revise Section 9.7.4.1.7 [Uses Allowed Anywhere on the Master Development Plan] to read as follows:

9.7.4.1.7 Uses Allowed Anywhere on the Master Development Plan

- a. Commercial Parking Garage
- b. Child Care Facility
- c. Cultural Facility
- d. Educational Use, Exempt
- e. Essential Services
- f. Shuttle Service
- g. **Rooftop Wireless Communication Facility approved pursuant to Section 9.7.11.19**

- 2) Add new Section 9.7.4.2.4 to read as follows:

9.7.4.2.4 Monopole Wireless Communication Facility. See Section 9.7.11.19.

- 3) Add new Section 9.7.11.19 to read as follows:

9.7.11.19 Wireless Communication Facility. A UAMUD project may include a wireless communication facility if approved by the Planning Board as follows:

9.7.11.19.1 Rooftop Wireless Communication Facility. A Rooftop Wireless Communication Facility may be permitted by Project Development Review (PDR) Approval pursuant to Section 9.7.12.2.2, with the following restrictions, except as expressly waived by a majority of the Board:

9.7.11.19.1.1 No component of a Rooftop Wireless Communication Facility shall be taller than ten feet (10') nor shall any component extend more than ten feet (10') above the existing surface of the roof on which the facility is proposed for installation.

9.7.11.19.1.2 All components of a Rooftop Wireless Communication Facility shall be set back a minimum of ten feet (10') from the interior face of the parapet surrounding the roof on which the facility is proposed for installation.

9.7.11.19.1.3 If any portion of a proposed Rooftop Wireless Communication Facility is visible from any point on an adjacent property, all antennas, cables and

associated equipment shall be fully contained within a stealth enclosure of a size, shape and color designed to blend into the surrounding environment in a manner acceptable to the Board.

9.7.11.19.1.3 The subsequent replacement of antennas and/or equipment associated with an approved Rooftop Wireless Communication Facility, where said antennas and/or equipment are fully within an existing stealth enclosure and do not alter the size or appearance of said stealth structure, may be permitted by Administrative Project Development Review (PDR) Approval by the Town Planner.

9.7.11.19.1.4 Any generator associated with a Rooftop Wireless Communication Facility shall be powered without the use of petroleum, and shall be enclosed by sound attenuation panels sufficient to reduce the sound associated with operation of said generator to a level acceptable to the Planning Board.

9.7.11.19.2 **Monopole Wireless Communication Facility.** Two (2) Monopole Wireless Communication Facilities may be permitted by Special Permit pursuant to Section 10.3, with the following restrictions:

9.7.11.19.2.1 All Monopole Wireless Communications Facilities within the UAMUD shall employ flagpole-style monopoles with a maximum stealth canister diameter of no larger than thirty-six inches (36") and a maximum height of one hundred and twenty feet (120') above the existing grade on which the facility is proposed for installation.

9.7.11.19.2.2 All equipment, including cabinetry, cabling, generators, and ice bridges associated with a Monopole Wireless Communication Facility shall be fully contained within a screened enclosure which shall not exceed ten feet (10') in height above the existing grade on which the facility is proposed for installation. No portion of said equipment shall be visible above said screened enclosure.

9.7.11.19.2.3 All Monopole Wireless Communications Facilities within the UAMUD shall be landscaped in a manner consistent with the quality and quantity of landscape materials throughout the University Station development in a manner acceptable to the Board.

9.7.11.19.2.4 The shape, size and color of each component of a Monopole Wireless Communication Facility shall be designed to blend into the surrounding environment in a manner acceptable to the Board.

9.7.11.19.2.4 The subsequent replacement of antennas and/or equipment associated with an approved Monopole Wireless Communication Facility, where said antennas and/or equipment are fully within an existing stealth enclosure and do not alter the size or appearance of said stealth structure, may be

permitted by Administrative Project Development Review (PDR) Approval by the Town Planner.

9.7.11.19.2.5 No more than two (2) Monopole Wireless Communication Facilities shall be approved for construction within the UAMUD.

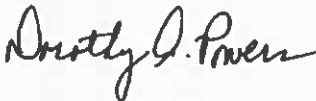
9.7.11.19.2.6 Any generator associated with a Monopole Wireless Communication Facility shall be powered without the use of petroleum, and shall be enclosed by sound attenuation panels sufficient to reduce the sound associated with operation of said generator to a level acceptable to the Planning Board.

- 4) Amend the Official Zoning Map to add the following specific parcels to the Wireless Communications Overlay District (WCOD):

Parcel 27-022 (Pheasant Hill Conservation Area); and
Parcel 27-221 (June Street Playground).

Witness my hand and seal of the Town of Westwood this 9th day of September, 2024

Attest:



Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk

**AG Approval 9/6/2024*



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.M.C. E.M.C.

Town Clerk

Justice of the Peace

Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 23 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 23 - General Bylaw Amendment Relative to Solid Waste

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote declared by the Moderator using electronic voting(201-YES;14-NO) to approve certain amendments to General Bylaw Chapter 342 [Solid Waste] to regulate the use, location and maintenance of temporary construction dumpsters at non-residential and multi-family residential properties, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough]

1) Amend Chapter 342 [Solid Waste] 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, including temporary construction dumpsters, 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. Notwithstanding the above, a temporary dumpster associated with a non-residential or multi-family residential property shall not require integral cover, enclosure or screening, but shall be covered by a securely fastened impermeable tarp or other means sufficient to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.

§ 342-4. Dumpster maintenance.

All waste and/or recycling containers, including temporary construction dumpsters associated with a non-residential or multi-family residential property, 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 a.m. and 6:00 a.m. at a multi-family residential property. Said containers shall not be emptied between the hours of 12:00 a.m. and 6:00 a.m.

§ 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 9th day of September, 2024

Attest:



**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

**AG approval 9/6/2024*



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.M.C. E.M.C.

Town Clerk

Justice of the Peace

Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 24 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 24 – General Bylaw Amendment Chapter 184 [Animals] Clarify Terms and Modify Fines

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote declared by the Moderator using electronic voting (**168-YES;39-NO**) to approve certain amendments to the Westwood General Bylaw Chapter 184 [Animals] to clarify various terms used throughout Chapter 184, and to modify fines prescribed in Chapter 184 for compliance with applicable state law, so that the amended Chapter 184 reads as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough.]

Chapter 184 Animals

Article I Animal Control

§ 184-1 **Definitions.**

§ 184-2 **Complaints.**

§ 184-3 **Penalties.**

§ 184-4 **Violations.**

§ 184-5 **Control of dogs in oestrus cycle.**

§ 184-6 **Control of dogs.**

§ 184-7 **Enforcing officer.**

§ 184-8 **Validity.**

§ 184-9 **Enforcement.**

§ 184-10 **Licensing; dogs worrying, maiming or killing livestock.**

Article I Animal Control

§ 184-1 **Definitions.**

The following terms shall have the meanings herein given:

AT LARGE

Means unaccompanied by a responsible person.

ANIMAL CONTROL OFFICER

Means that person appointed by the ~~Selectmen~~Town Administrator or otherwise serving in the capacity of Animal Control Officer (shall mean in their absence or unavailability the Chief of Police/designee) for the Town of Westwood.

OESTRUS CYCLE

Means the technical term for the common expression "in heat."

OUT OF CONTROL

Means accompanied by a person not exerting the proper supervision.

RESTRAINED

Means being kept leashed when outside the bounds, or fenced within the bounds of the property of the owner or keeper.

§ 184-2 **Complaints.**

If any person shall make a complaint in writing (Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.) and under oath to the Animal Control Officer of Westwood that any dog has committed a violation of any of the provisions listed in § 184-4, the Animal Control Officer shall investigate such complaint and after finding such violation shall cause such dog to be impounded or restrained and cause the owner or keeper of such dog to receive a written warning or pay a penalty as set forth in § 184-3. The Animal Control Officer shall keep

a written record of each such investigation and shall provide a copy thereof to the owner or keeper of the dog and the complainant.

§ 184-3 Penalties.

The penalty imposed upon an owner or keeper of a dog which has committed a violation of any of the provisions listed in § 184-4 ~~except for those offenses set forth in § 184-4A(5) and (6)~~ shall be \$2550 for the first offense, \$50100 for the second offense ~~and \$75300 for the third offense, and \$500 for the fourth offense and~~ for each subsequent offense. ~~The penalty for violations of any of the provisions listed in § 184-4A(5) and (6) shall be a mandatory penalty of \$50 for the first offense and \$100 for each subsequent offense.~~

§ 184-4 Violations.

- A. The Animal Control Officer shall cause penalties to be invoked for any of the following reasons:
- (1) If found without a license, collar, or tag as required by MGL c. 140.
 - (2) If found at large when in ~~her~~the oestrus cycle, or if creating a nuisance.
 - (3) No dog shall be permitted to be unrestrained while in or near any school yard, public park, public playground, public cemetery, or public or school recreational field or facility. Further, no person shall permit a dog under that person's control to defecate on any school yard, public park, public playground, public cemetery, or public or school recreational field or facility or any public property abutting thereto. Further, no dog shall be permitted to be at large or out of control of a responsible person in any other public area not designated within this subsection.
 - (4) If found at large or not in control of dog's owner.
 - (5) For having bitten, injured, or physically harmed any person or domestic animal; or having caused any person to be fearful for their safety by chasing, worrying, snapping, or otherwise frightening said person.
 - ~~(6) For having bitten or injured any domestic animal.~~
 - ~~(76)~~ For chasing any vehicle or bicycle on a public way or way open to public traffic.
 - ~~(87)~~ If the dog is found to bark, howl, or in any other manner to basically disturb the quiet of any person.
 - ~~(98)~~ For having disturbed, spilled, or otherwise upset rubbish or trash.
 - ~~(109)~~ For having littered, defecated, or caused damage to the property of any person (except for the property of the owner/keeper of the dog).
 - ~~(110)~~ If found at large or out of control after having been ordered restrained by the Animal Control Officer.
- B. An impounded dog or domestic animal shall be released to its owner or keeper upon payment of the penalty as described in § 184-3 and upon payment of the pound fees as provided for in MGL c. 140. The following conditions, if applicable, shall also apply:
- (1) In the case of a dog impounded under Subsection A(1) above, upon the obtaining of a license as required by law.
 - (2) Except as hereinafter provided in § 184-5, in the case of a dog impounded under Subsection A(2) above, upon the agreement of the owner or keeper to undertake such restrictions or controls of the animal to prevent violations of Subsection A(2) as the Animal Control Officer shall reasonably require.
- C. Dogs impounded and unclaimed by the owner or keeper within seven days may be put up for adoption or euthanized in accordance with the MGL c. 140, § 151A.
- D. For purposes of Subsection C above, no dog shall be obtained for the purpose of scientific experimentation, investigation, or instruction as discussed in MGL c. 140, § 151.

§ 184-5 Control of dogs in oestrus cycle.

If the Animal Control Officer determines that a dog in ~~her~~the oestrus cycle is attracting other dogs to the area, which conditions cause disturbances on or damage to neighboring property or public areas, ~~he~~the Animal Control Officer may impound the dog for the duration of the oestrus cycle, releasing it thereafter to the owner or keeper upon payment of penalties, if applicable, and upon payment of pound fees; as an alternative, the Animal Control Officer may require that the owner, or keeper, place and keep such a dog, while in such cycle, in a kennel or remove it from the area so that the nuisance is abated.

§ 184-6 Control of dogs.

- A. Restraint of dogs. In addition to and not in limitation of any other remedies or penalties, the Animal Control Officer shall order the owner or keeper of a dog to restrain a dog for violation of any of the provisions listed in § 184-4A. After a period of no less than 21 days, the Animal Control Officer may, at ~~his~~their discretion, remove an order of restraint if the owner or keeper of the dog satisfies ~~him~~them that the dog is unlikely to repeat the offense.
- B. Permanent restraining or muzzling of dogs. If any person shall make a complaint in writing (Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.) to the Animal Control Officer of Westwood that any dog is a nuisance by reason of vicious disposition, or by repeated violations of any of the provisions listed in § 184-4A which are contrary to the safety and welfare of the community. The Animal Control Officer shall investigate such complaint, which may include an examination on oath of the complainant, the owner or keeper and witnesses, and upon finding that such dog is a nuisance as hereinbefore set forth shall order such dog to be permanently restrained and/or muzzled.

§ 184-7 Enforcing officer.

This bylaw shall be enforced the Animal Control Officer of Westwood and/or others who may be appointed from time to time by the ~~Board of Selectmen~~ Board of Westwood for such purpose.

§ 184-8 **Validity.**

- A. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.
- B. This bylaw is not intended to derogate or limit any powers, rights, or obligations set forth in MGL c. 140 but is in addition thereto.

§ 184-9 **Enforcement.**

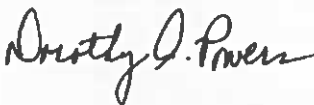
In addition to the foregoing and not in limitation thereof, the Animal Control Officer shall impound any dog found at large.

§ 184-10 **Licensing; dogs worrying, maiming or killing livestock.**

- A. No person shall own or keep a dog in the Town of Westwood which is not duly licensed as required by the provisions of MGL c. 140, § 137. The registering, numbering, describing and licensing of dogs shall be conducted in the office of the Town Clerk of said Town. Any person who no longer owns a dog shall notify the Town Clerk immediately.
- B. When license fees for dogs are due in January of each year and the dog is a spayed female or neutered male, the spaying or neutering certificate must be presented at the time of license application. All rabies shot certificates must be shown before a new license can be issued.
- C. Notwithstanding the provisions of MGL c. 140, § 139 or any other provision of law to the contrary, the annual fees charged for the issuance of licenses for dogs shall be established by the Town Clerk in accordance with the provisions of MGL c. 40, § 22F. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Town or other disposal of said dog.
 - (1) Effective January 1, 2011, the term of any license issued by the Town Clerk shall be for the period of January 1 to December 31. The Town may impose a late fee in accordance with the provisions of MGL c. 40, § 22F, to be paid by the owners who license said dog or dogs after April 1 of any given year.
 - (2) Effective January 1, 2018 any person 70 years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per year. The owner of a kennel license, age 70 years of age or older, shall be excluded from this exemption. Dogs must still be licensed on or before March 31 of any given year per Town Bylaws § 184-10C(1).
- D. Notwithstanding the provisions of MGL c. 140, § 147 or any other provision of law to the contrary, all money received from the issuance of dog licenses by the Town of Westwood, or recovered as fines or penalties by said Town under the provisions of MGL c. 140 or by vote of the Town under Article 38 of the warrant for the 1981 Annual Town Meeting relating to dogs, shall be paid into the treasury of said Town and shall not thereafter be paid over by the Town Treasurer to Norfolk County.
- E. Notwithstanding the provisions of MGL c. 140, § 160 or any other provision of law to the contrary, whoever suffers loss by the worrying, maiming or killing of his/her livestock or fowls by dogs, outside the premises of the owners or keepers of such dogs, shall, after investigation as provided in MGL c. 140, § 161, be paid from the treasury of said Town.

Witness my hand and seal of the Town of Westwood this 9th day of September, 2024

Attest:



**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

*AG approval 9/6/2024