

DRAFT 8-13-14
WESTWOOD PLANNING BOARD
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

2014 AUG 14 A 8:30

TOWN CLERK
TOWN OF WESTWOOD



The WESTWOOD PLANNING BOARD will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on Tuesday, September 30, 2014, at 7:30 PM in the Library Conference Room at the Westwood Public Library, 660 High Street, Westwood, MA, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map:

Article 1: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] and to Section 4.1 [Principal Uses], including amendments related to various motor vehicle uses, or take any other action in relation thereto:

- 1) Replace the existing definition for the term “Motor Vehicle Light Service” with a new definition to read as follows:

Motor Vehicle Light Service Premises for the supplying of fuel, oil, lubrication, or minor repair services, but not to include body work, washing, rinsing, polishing, waxing, painting, and/or major repairs.

- 2) Add a new definition for the term “Car Wash” to read as follows:

Car Wash An establishment where motor vehicles are washed, rinsed, polished and/or waxed, by mechanical or manual means, whether or not operated in conjunction with another motor vehicle use.

- 3) Add a new Sections 4.1.5.11 to read as follows, and renumber subsequent sections as appropriate:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Car Wash	N	N	N	N	N	N	N	N	N	BA ⁵	N	N	N

Article 2: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.3 [Environmental Impact and Design Review (EIDR)], or take any other action in relation thereto:

- 1) Replace the existing Section 7.3.2 [Applicability] with a new Section 7.3.2 to read as follows:

7.3.2 Applicability. The following types of activities and uses shall require review and approval pursuant to the provisions of this Section, unless found to be de minimis by the Building Commissioner. Nothing herein shall be deemed to permit any use or structure not otherwise permitted as of right or by special permit under this Zoning Bylaw, or to give rise to an implication as to whether or not a particular use or structure is permitted as of right or by special permit under this Zoning Bylaw. The following shall require approval hereunder:

7.3.2.1 Construction, expansion, exterior alteration (exclusive of signs governed by the provisions of Section 6.2), or change of use of any municipal, institutional, commercial, industrial, or multi-family property.

7.3.2.2 Reconfiguration, restriping or expansion by three (3) or more parking spaces, of any parking area or facility containing five (5) or more parking spaces.

7.3.2.3 Any change in use which results in a use prohibited or requiring a special permit in a Water Resource Protection Overlay District, whether or not within such a district and whether or not requiring a building permit.

7.3.2.4 Construction of an Open Space Residential Development (OSRD) pursuant to Section 8.3 of this bylaw.

7.3.2.4 Construction, installation or alteration of a Minor Wireless Communication Facility pursuant to Section 9.4 of this bylaw.

- 2) Replace the existing Section 7.3.3 [Exempt Uses] with a new Section 7.3.3 to read as follows:

7.3.3 Exempt Uses. In cases where M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions for uses protected thereunder, review and approval pursuant to this Section shall be limited consistent with those statutory provisions and on other matters shall be advisory only. For all uses exempt under M.G.L. Chapter 40A, Section 3, the Planning Board shall make determinations of compliance with dimensional and parking requirements of this Bylaw, including requirements related to setbacks, building height, building coverage, impervious surface, parking and circulation, buffers, screening, landscape, lighting, and stormwater management. Application and review procedures for such uses shall be as provided herein, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board's regulatory determinations.

- 3) Replace the existing Section 7.3.5 [Procedures] with a new Section 7.3.5 to read as follows:

7.3.5 **Procedures.** An application for environmental impact and design review shall be accompanied a site plan and other application materials in accordance with the requirements specified below and the Planning Board's rules and regulations. The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Commissioner and Applicant.

- 4) Add a new Section 7.3.5 [Administrative Review and Approval] to read as follows, and renumber subsequent sections as appropriate:

7.3.5 **Administrative Review and Approval of Minor Alterations.** An application for environmental impact and design review involving exterior alterations to buildings or sites, which alterations are determined by the Building Commissioner to be minor in nature, shall be reviewed and considered for approval by the Town Planner. Application and submittal items shall be the same as set forth in this Section and in the Planning Board's rules and regulations for Planning Board consideration, except in the number of paper copies required, which shall be reduced to a number determined by the Town Planner to be sufficient for review purposes. The Town Planner, within 21 days of receipt of a complete application, shall review the application and submittal items for conformance with the standards set forth in Section 7.3.7, and shall issue an Administrative Approval, an Administrative Approval with Conditions, or an Administrative Denial of said application. In the case of an Administrative Approval with Conditions or an Administrative Denial, the applicant may apply to the Planning Board for further consideration of the EIDR Application in the course of a duly noticed public hearing.

- 5) Amend Section 7.3.6 [Submittal Requirements] by adding a new Subsection 7.3.6.1.9 to read as follows:

7.3.6.1.9 Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

- 6) Delete Section 7.3.13 [Appeal] in its entirety and renumber subsequent sections as appropriate.

Article 3: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.0 [Special Regulations], including the addition of a new

Section 7.5 [Non-Residential Access Special Permit], or take any other action in relation thereto:

- 1) Insert a new Section 7.5 to read as follows:

SECTION 7.5 STREET ACCESSES SPECIAL PERMIT

- 7.5.1 **Purpose.** The purpose of this Section is to protect the integrity and character of the Town and its existing neighborhoods by requiring sufficient and appropriate access to properties which can be expected to generate moderate or high levels vehicular traffic, including non-residential, multi-family residential, and/or mixed use properties, and to assure that where access to such properties is permitted by way of existing streets, adequate provisions are made to effectively address impacts upon the Town and its existing neighborhoods, and upon public services, infrastructure and property values therein, thereby affecting the public health, safety and general welfare thereof.
- 7.5.2 **Special Permit Required.** No principal or secondary ingress and/or egress shall be constructed or established to serve a non-residential, multi-family residential, and/or mixed use development, unless a Street Access Special Permit therefor is granted by the Planning Board in accordance with Section 7.5. This requirement shall apply whether or not said property is located wholly or partially within the Town of Westwood. Notwithstanding the above, no Street Access Special Permit shall be required for any development which is subject to and approved by the Planning Board pursuant to Section 7.3 [Environmental Impact and Design Review], Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)] or Section 9.7 [The University Avenue Mixed Use District (UAMUD)] of this Bylaw.
- 7.5.3 **Application Requirements.** An application for a Street Access Special Permit shall be accompanied by a site plan and all applicable materials required by the Planning Board's Rules and Regulations as Special Granting Authority, as well as the following additional materials:
 - 7.5.3.1 **Project Narrative.** A detailed description of all proposed on-site uses and activities, including hours of operation of all non-residential project components.
 - 7.5.3.2 **Traffic Study.** A traffic study prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board.
 - 7.5.3.3 **Project Impact Report.** A detailed analysis of anticipated project-related impacts, including fiscal and public service impacts, and impacts to public infrastructure, including a description of any proposed public improvements which are proposed to be undertaken by the Applicant.

7.5.4 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a Street Access Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.

7.5.5 **Findings.** No Street Access Special Permit shall be granted unless the Planning Board finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not outweigh its beneficial impacts on the Town or the neighborhood, and will not:

7.5.5.1 Cause material deterioration of roadway, drainage, water, sewer, and/or other public infrastructure;

7.5.5.2 Result in hazard or contamination of air, land and/or water resources;

7.5.5.3 Result in environmental degradation, including loss of mature trees and significant vegetation, disturbance to habitats, and/or the loss soil through erosion;

7.5.5.5 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; or

7.5.5.6 Increase vehicle trips on ways giving access to the subject land by more than five percent (5%) above existing conditions, unless it is demonstrated to the satisfaction of the Planning Board that:

a. Such increase would not cause vehicular traffic to operate in an objectively unsafe manner, or cause queue lengths that block intersections; and

b. Such increase for any intersection that operates at LOS D or better would not result in a reduction of overall intersection level of service below LOS D.

7.5.6 **Decision.** A Street Access Special Permit shall be granted by the Planning Board only upon its written determination of the required findings set forth in Section 7.5.5. In addition, the Planning Board shall consider and may condition a special permit upon:

7.5.6.1 The extent of visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees and architectural character;

- 7.5.6.2 The suitability of existing and proposed buffering and screening from nearby properties;
- 7.5.6.3 The proposed hours of operation of any non-residential or mixed-use activity;
- 7.5.6.4 The timing and method of control of traffic entering and leaving the site; and
- 7.5.6.5 The degree to which the proposal creates jobs for or otherwise serves the interests of Town residents;

Article 4: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.1 [Off-Street Parking], or take any other action in relation thereto:

- 1) Add a new Section 6.1.3 to read as follows, and renumber subsequent sections as appropriate:

6.1.3 Maximum Parking Requirements. The minimum parking requirements set forth in Section 6.1.2 shall not be exceeded by more than 5%, unless authorized upon the grant of a special permit by the Planning Board in compliance with the provisions of this Section.

6.1.3.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize an increased number of parking spaces than would otherwise be permitted by this Section where it can be demonstrated by such Applicant that the proposed use warrants a greater number of parking spaces than otherwise allowed.

6.1.3.2 A special permit to authorize an increased number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.3.2.1 That the particular use proposed warrants an increased number of parking spaces than would otherwise be permitted by this Section; and

6.1.3.2.2 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw.

6.1.3.3 The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

2) Replace the existing Section 6.1.8 with a new Section 6.1.8 to read as follows:

6.1.8 Reduction of Required Minimum Number of Parking Spaces.

6.1.8.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of parking spaces than would otherwise be required by this Section where it can be demonstrated by such Applicant that the proposed use does not warrant the number of parking spaces otherwise required.

6.1.8.2 A special permit granted pursuant to this Section shall provide for an increase in the number of parking spaces up to the minimum number otherwise required by this Section if there is a change in use or in the intensity or character of use that results in an increased parking need as determined by the Planning Board.

6.1.8.3 A special permit to authorize a reduced number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

6.1.8.2.1 That the particular use proposed does not warrant the minimum number of parking spaces otherwise required under this Section;

6.1.8.2.2 That the issuance of a special permit would reduce the environmental impact and enhance the aesthetic quality of the proposed project.

6.1.8.2.3 That the total floor area of the building or structure associated with the special permit is no greater than that which would be permitted absent the grant of a special permit pursuant to this Section.

6.1.8.2.4 That the number of parking spaces otherwise required pursuant to Section 6.1.2 could be accommodated on the subject parcel or on nearby parcels, if a change in use or in the intensity or character of use ever requires an increase of parking pursuant to Section 6.1.8.2, and that the continued

availability of land for such additional parking is assured in a manner satisfactory to the Planning Board.

6.1.8.2.5 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw; and

6.1.8.4 Nothing herein shall be deemed to authorize a special permit waiving strict adherence to parking design requirements or parking space, passageway or driveway dimensional requirements.

6.1.8.5 The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

3) Replace the existing Section 6.1.9 with a new Section 6.1.9 to read as follows:

6.1.9 **Joint Off-Street Parking in Local and Highway Business Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within four hundred (400) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

4) Replace the existing Section 6.1.10 with a new Section 6.1.10 to read as follows:

6.1.10 **Joint Off-Street Parking in Industrial and Industrial-Office Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same parcel, or on parcels within six hundred (600) feet walking distance of the building entrance to be served, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. In cases where parking spaces are provided on nearby parcels, the continued availability of said parking spaces must be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement.

5) Add a new Section 6.1.11 to read as follows, and renumber subsequent sections as appropriate:

6.1.11 **Reduction of Required Number of Joint Off-Street Parking Spaces.** If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of joint parking spaces than would otherwise be required pursuant to Section 6.1.9 or Section 6.1.10 where it can be demonstrated by such Applicant:

- 6.1.11.1 That the demand for the shared joint off-street parking spaces differs significantly by time of day between the various uses; and
- 6.1.11.2 That a sufficient number of shared joint off-street parking spaces are available for each use during the time of day that parking is required for said use.

6) Replace the existing Section 6.1.11 with a new Section 6.1.12 to read as follows, and renumber subsequent sections as appropriate:

6.1.12 Off-Site Municipal Parking Lot. Where an existing property does not meet the minimum parking requirements for a permitted use, off-site municipally-owned parking spaces may be used to meet the minimum parking requirements, provided:

- 6.1.12.1 That such spaces are located within a Municipal Parking Lot, so dedicated by the Board of Selectmen;
- 6.1.12.2 That such spaces are within four hundred (400) feet walking distance of the building entrance to be served;
- 6.1.12.3 That such off-site parking shall not be used to accommodate increased parking requirements due to new construction and/or expansion of existing buildings or structures; and
- 6.1.12.2 That the Board of Selectmen or its designee documents to the Building Commissioner that there is in fact sufficient capacity in the Municipal Parking Lot to accommodate the excess parking required.

Article 5: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 9.7.10 [University Avenue Mixed Use District (UAMUD) Signage], or take any other action in relation thereto:

1) Replace the existing Section 9.7.10.1 with a new Section 9.7.10.1 to read as follows:

- 9.7.10.1. **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window Signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street façade, up to a maximum of one hundred (100) square feet of window signage per business establishment. Logos and/or graphic representations shall be counted

toward the maximum permitted sign area if painted on, incorporated into, or affixed to either side of the glass surface of a window or door. In addition, any interior sign designed to be visible from the exterior of a building or structure shall be counted toward the maximum permitted sign area. Notwithstanding the above, graphic representations not including text intended to serve as product or service advertisement shall not be counted toward the maximum permitted sign area if located on an interior wall or otherwise mounted at least two feet behind the glass surface of a window or door.

Article 6: To see if the Town will vote to approve housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections, or take any other action in relation thereto.

Article 7: To see if the Town will vote to adopt a Demolition Delay Bylaw, either within the Zoning Bylaw or as separate General Bylaw, or take any other action in relation thereto:

- 1) Add a new Section to read as follows, and renumber subsequent sections accordingly:

1.0 **Demolition Delay Bylaw**

1.1 **Intent and Purpose.** The Bylaw is adopted for the purpose of protecting the archeologic, historic, and aesthetic resources of the Town of Westwood by surveying, preserving, rehabilitating, researching, or restoring whenever possible, buildings, structures, or archeological sites which constitute or reflect distinctive features of the architectural, cultural, or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of Westwood.

1.2 **Definitions.** As used in this Bylaw, the following terms shall have the meanings indicated:

Application An application for a demolition permit filed by the owner of record of the premises, or the holder of a bona fide purchase and sale agreement for such premises. The application must be signed by both the applicant and (if different) the owner of record at the time of application. An applicant may withdraw an application without prejudice at any time prior to a decision by the Commission.

Commission The Westwood Historical Commission.

Commissioner The Building Commissioner of the Town of Westwood.

Demolition Permit The permit issued by the Commissioner as required by the State Building Code for the demolition, partial demolition, or removal of a building or structure.

Historically Significant Structure Any building, structure, or archeological site which is:

- a. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic, social history of the Town of Westwood, the Commonwealth of Massachusetts, or the United States of America; or which is
- b. Historically or architecturally important by reason of period, style, method of construction, or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Local Historic District Any district shown on the official map entitled "Local Historic Districts, Town of Westwood, Massachusetts" recorded in the Office of the Westwood Town Clerk, and which has been established pursuant to the provisions of MGL c. 40C.

Preferably Preserved Any historically significant structure individually or in context which, because of the important contribution made by such structure to the Town's historical or architectural resources, is in the public interest to preserve, rehabilitate, or restore.

Premises The parcel of land on which an historically significant structure exists; or the site itself due to its archaeological significance.

1.3 **Regulated buildings, structures, and sites.** The provisions of this Bylaw shall apply to only the following buildings, structures, and sites:

1.3.1 Buildings, structures, or sites listed on the National Register of Historic Places or the State Register of Historic Places.

1.3.2 Buildings, structures, or sites within any local historic district.

1.3.3 Buildings, structures, or sites which in whole or in part were constructed 70 or more years prior to the date of the application for the demolition permit.

1.4 **Procedure.**

- 1.4.1 Upon receipt of an application for a demolition permit for a building, structure or site regulated by this Bylaw, the Commissioner shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.
- 1.4.2 Within 14 days of receipt of the application by the Commission, the chairperson of the Commission shall post the date for a meeting of the Commission at which the application shall be heard. The hearing shall take place no fewer than 28 days and no more than 49 days after the receipt of the application from the Commissioner. The Commission shall give public notice of the hearing by publishing at least 14 days before the hearing an announcement in a local newspaper of the time, place, and purpose of the hearing. The Commission shall also mail a copy of said notice to the applicant, to all abutters, to the owner of record (if different from the applicant), to all abutters, to the owners of all properties deemed by the Commission to be affected by the proposed demolition, to the Westwood Historical Society, to the Westwood Land Trust, and to any others the Commission deems entitled to notice.
- 1.4.3 If, after the hearing, the Commission determines that the proposed demolition of the building, structure, or site would not be detrimental to the purposes protected by this Bylaw, the Commission shall notify the Commissioner within 14 days of such determination. Upon receipt of such notification, or after the expiration of 21 days from the hearing if he has not received such notice, the Commissioner shall, subject to the requirements of the State Building Code and any other applicable laws, Bylaws, rules and regulations, issue the demolition permit.
- 1.4.4 If the Commission determines that (1) the building, structure or site is a historically significant structure and (2) the demolition of this historically significant structure would be detrimental to the historical or architectural resources of the Town, such historically significant structure and its premises shall be declared a preferably preserved historically significant structure.
- 1.4.5 Upon a determination by the Commission that the historically significant structure and its premises which is the subject of the application for a demolition permit is a preferably preserved historically significant structure and premises, the Commission shall notify the applicant and the Commissioner. No demolition permit may be issued for at least twelve months after the date of such determination by the Commission.
- 1.4.6 Notwithstanding the above, the Commissioner may issue a demolition permit for a preferably preserved historically significant structure after receipt of written advice from the Commission to the effect that either of the following applies:

- 1.4.6.1 The Commission is satisfied that there is no reasonable likelihood that either the owner or some other reasonable person or group is willing to purchase, preserve, rehabilitate, or restore said structure; or
- 1.4.6.2 The Commission is satisfied that for at least six months the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject historically significant structure, and that such efforts have been unsuccessful; or
- 1.4.6.3 The Commission has determined that the proposed demolition may be conducted in a manner that is not detrimental to the historical, architectural or archaeological resources of the Town.
- 1.4.7 No demolition permit for a preferably preserved historically significant structure shall be granted until all approvals are in place for subsequent development. Approvals include but are not limited to building permits, zoning variances or special permits (if necessary), licenses, easements and subdivisions of the premises of any kind. All appeals from the granting of such approvals must be concluded before the demolition permit may be granted.
- 1.4.8 Demolition permits are valid for six months, in accordance with state statute. If the building, structure or site is not demolished within six months, the Commission may issue an extension, or it may require the applicant to reapply.
- 1.4.9 A decision by the Commission is made in relation to the party filing the application only, is nontransferable, and expires two years from the date of the decision. If demolition has not occurred prior to the expiration of the decision, a new application for a demolition permit must be filed prior to any subsequent demolition.
- 1.4.10 If a building, structure, or archaeological site is determined to be a preferably preserved historically significant structure, the owner shall be responsible for properly securing such building or structure, if vacant, or site to the satisfaction of the Commission. Should the owner fail to properly secure such building, structure, or site, a subsequent destruction of such building, structure, or site at any time during the period of the demolition delay through fire or other cause which could have been prevented by properly securing such building, structure, or site, shall be considered a voluntary demolition in violation of this Bylaw and shall be subject to Section 1.6.2.

1.5 Environmental Impact and Design Review Approvals, Flexible Multiple Use Overlay District Special Permits, Earth Material Movement Special Permits, Subdivision Approvals, Senior Residential Development Special Permits, and Open Space Residential Development Approvals.

1.5.1 Upon receipt of an application for an Environmental Impact and Design Review (EIDR) Approval, a Flexible Multiple Use Overlay District (FMUOD) Special Permit, an Earth Material Movement (EMM) Special Permit, a Definitive Subdivision Approval, a Senior Residential Development (SRD) Special Permit, or an Open Space Residential Development (OSRD) Approval for involving a parcel of land located within a local historic district or containing a building, structure, or site regulated under Section 1.3, the granting authority shall supply the Commission with a copy of the application for review and recommendation. Failure of the Commission to respond within 30 days of its receipt of the application shall be deemed to signify its lack of opposition to the project.

1.5.2 If the Commission finds that the proposed construction poses a serious threat to the Town's archeological resources, it can recommend that the granting authority require that the applicant make adequate provision for the safeguarding of said archeological resources. Such adequate provisions might include, but are not limited to, surveys and resource preservation plans completed in cooperation with the Commission and/or the state archeologist.

1.6 Enforcement, remedies and appeals.

1.6.1 The Commission and the Inspector are each authorized to institute any and all proceedings in law or in equity as they deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a violation thereof.

1.6.2 No building permit shall be issued with respect to any premises upon which an historically significant structure has been voluntarily demolished in violation of this Bylaw for a period of two years after the date of the completion of such demolition.

1.6.3 **Appeals.** Decisions made by the Commission may be appealed to the Selectmen within 21 days.

1.7 **Severability.** If any section, paragraph, or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.