



# PUBLIC NOTICE POSTING REQUEST TO OFFICE OF THE WESTWOOD TOWN CLERK

TIME STAMP

**ORGANIZATION:** Planning Board Meeting

2013 AUG 29 A 11: 28

**MEETING**                      **PUBLIC HEARING** (Please circle appropriately)

**DATE:** Tuesday, September 24, 2013

TOWN CLERK  
TOWN OF WESTWOOD  
TIME: 7:30 P.M.

**LOCATION:** Champagne Meeting Room, 50 Carby Street

**PURPOSE:** Public Hearing/Meeting

**REQUESTED BY:** Janice Barba, Planning Dept.

***NOTE:** Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturday, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in the adequate amount of time.*

### **LIST OF TOPICS TO BE DISCUSSED**

*(For updates to this notice, please see [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us))*

#### **AGENDA**

**7:30 PM**

- Public Hearing in accordance with the provisions of M.G.L. Chapter 40A, §5, 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 Town of Westwood Official Zoning Map, to correct errors or omissions, or take any other action in relation thereto.

**Article 2:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.4 [Senior Residential Development (SRD)], or take any other action in relation thereto.

**Article 3:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.3 [Open Space Residential Development (OSRD)], or take any other action in relation thereto.

**Article 4:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.1 [Conversion of One-Family Dwelling], or take any other action in relation thereto.

**Article 5:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to distinguish between pet care facilities and commercial kennels, including amendments to Section 2.0 [Definition], Section 4.1 [Principal Uses], and Section 6.1 [Off-Street Parking], or take any other action in relation thereto.

**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.

- Continuation of Public Hearing regarding the revision of various sets of existing Planning Board rules, regulations, standards and guidelines, and the adoption of new sets of rules, regulations, standards and guidelines, including the following:
  - Revision of Rules and Regulations Governing the Subdivision of Land in Westwood, Massachusetts, pursuant to M.G.L. Chapter 41, § 81Q;
  - Revision of Rules and Regulations for Planning Board Special Permits Pursuant to Various Sections of the Westwood Zoning Bylaw;

- 3) Revision of Rules and Regulations Pursuant to Section 9.5 of the Westwood Zoning Bylaw – Flexible Multiple Use Overlay District (FMUOD);
  - 4) Revision of Rules and Regulations for Scenic Roads pursuant to M.G.L. Chapter 40, §15C (the “Scenic Road Act”), and M.G.L. Chapter 87, §3 (the “Public Shade Tree Act”);
  - 5) Adoption of Rules and Regulations Pursuant to Section 7.3 of the Westwood Zoning Bylaw – Environmental Impact and Design Review (EIDR);
  - 6) Adoption of Rules and Regulations Pursuant to Section 8.3 of the Westwood Zoning Bylaw – Open Space Residential Development (OSRD);
  - 7) Revision of existing Traffic Study Guidelines;
  - 8) Revision of existing Parking Design Standards; and
  - 9) Adoption of Bicycle Parking Facility Design Standards.
- New Business – Reserved for topics not reasonably anticipated to be discussed

**NOTE:** *Per changes to Open Meeting Law, effective July 1, 2010, notice of any meeting of public body shall include “A listing of topics that the chair reasonably anticipates will be discussed at the meeting”. Topics must give enough specificity so that the public understands what will be discussed, but not necessarily all items that may come up. Please list those topics above.*

**WESTWOOD PLANNING BOARD  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**



2013 AUG 29 A 11: 29

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 24, 2013, at 7:30 PM in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby 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 Town of Westwood Official Zoning Map, to correct errors or omissions, or take any other action in relation thereto.

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**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.

The complete text relative to the proposed amendments is available for inspection between 8:30 a.m. and 12:00 noon, Monday through Friday at the office of the Planning Board at 50 Carby Street, or during regular municipal business hours at the Town Clerk's office. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board.

Bruce H. Montgomery, Chairman  
Westwood Planning Board

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**Article 1:** To see if the Town will vote to approve certain amendments to the Town of Westwood Official Zoning Map, to correct errors or omissions, or take any other action in relation thereto.

**Article 2:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.4 [Senior Residential Development (SRD)] as set forth below, or take any other action in relation thereto.

- 1) Remove the existing Section 8.4 [Senior Residential Development] in its entirety and replace with a new Section 8.4 [Senior Residential Development] to read as follows:

**8.4 SENIOR RESIDENTIAL DEVELOPMENT (SRD)**

**8.4.1 Purposes.** The purposes of Senior Residential Development (SRD) are as follows:

8.4.1.1 to encourage the provision of independent living accommodations in the form of senior residential communities which are located and designed in such a manner as to uniquely serve the physical and social needs of senior residents, fifty-five (55) years of age and older, with a range of income levels and physical abilities;

8.4.1.3 to preserve and enhance Westwood's community character by ensuring design compatibility between new senior residential developments and existing neighborhoods; and

8.4.1.4 to preserve open space, protect natural and cultural resources, lessen disturbance to soils, topography and vegetation, and reduce the overall costs of developing high quality senior residential units by allowing for more efficient, compact layout than permitted under a conventional development.

**8.4.2 Special Permit Required.** A Senior Residential Development shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.

**8.4.3 Conditions.** A SRD shall be subject to the following conditions:

8.4.4.5 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.

8.4.5 **Specific Restrictions.** A SRD shall also be subject to the following specific restrictions:

8.4.5.1 The dwelling unit density of an SRD Project shall be determined, at the board's sole discretion, to allow between one (1) and ten (10) dwelling units per acre. When determining the maximum number of dwelling units permitted for the SRD Project, the board shall take into account the amount of ~~all~~ land in the development lot or parcel which is not reasonably suited for residential development, and the amount of land therein necessary for access and egress, parking, buffer areas and ~~or~~ dedicated open space, and shall base its determination of appropriate project density on the remaining developable area. The determination of appropriate project density shall be made by the Planning Board, which shall take into consideration the density of the surrounding properties, the visibility of the proposed development from abutting properties and public ways, and any graphic or analytic materials provided by the Applicant.

8.4.5.2 Where proposed structures are to be developed on existing streets or direct extensions of existing streets, front yard setbacks may be reduced to not less than thirty (30) feet. Where proposed structures are to be developed on new interior drives, front yard setbacks may be reduced to not less than twenty (20) feet. There shall be no minimum side or rear setback between structures within a proposed SRD, however each proposed principal and accessory structure, driveway, and interior drive shall be set back a minimum of thirty (30) feet from the sides and rear of the perimeter of the SRD.

8.4.5.3 There shall be provided at least two (2) off-street parking spaces per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.

8.4.5.4 The maximum permitted lot coverage for a SRD shall be fifty percent (50%), including all structures, roadways, driveways and parking areas.

8.4.5.5 A SRD Project shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the SRD Special Permit, and no separate EIDR Approval shall be required.

8.4.6 **Procedures.** An application for a SRD Special Permit shall be filed in accordance with the Planning Board's Rules and Regulations for Special Permits.

8.4.7 **Application and Submittal Requirements.** An application for a SRD Special Permit shall include plans in conformance with the Planning Board's Rules and Regulations for Special Permits.

8.4.8 **Decision.** A SRD Special Permit shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular

- 8.3.1.2 to lessen the amount of disturbance to soils, topography and vegetation on the site, and to provide roads and infrastructure in more efficient and less intrusive ways than with conventional subdivisions;
- 8.3.1.3 to provide the opportunity for more flexibility and imagination in the design of residential developments;
- 8.3.1.4 to assure that the 4-step Design Process (as defined in 8.3.10.3.3) guides the design of an OSRD by identifying the resources and amenities to be protected, prior to laying out buildings, roadways, and lots;
- 8.3.1.5 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character.

8.3.2 **Definitions.** For the purposes of this Section, the following terms are defined:

- 8.3.2.1 **Single-family Attached Dwelling Units.** Single-family attached dwelling units shall mean buildings where two (2) or more individual single-family dwellings units are physically connected to like dwellings for at least a portion of one or more of their exterior walls. Single-family attached dwelling units may include townhouses in traditional row or other configuration or shape; or individual single-family dwellings units meeting at a common lot line. Single-family attached dwelling units shall not include any building where any dwelling unit is located above or below any other dwelling unit.
- 8.3.2.2 **Cluster.** Cluster shall mean a distinct area or “pod” of housing within an OSRD development, separated physically and visually from other clusters of housing by open space and/or other facilities or common areas.
- 8.3.2.3 **Tract.** Tract shall mean the boundaries and area of the original parcel of land proposed for the OSRD, prior to further division.

8.3.3 **Eligible Districts.** An OSRD shall be permitted only within the Single Residence B (SRB), Single Residence C (SRC), and Single Residence E (SRE) districts, pursuant to the requirements of this Section.

8.3.4 **Minimum Tract Requirements.** The minimum tract of land for an OSRD shall consist of one parcel or two or more contiguous parcels, with a minimum area of 120,000 square feet in SRB, 200,000 square feet in SRC, and 400,000 square feet in SRE, prior to further division. The Planning Board may make a finding that two or more parcels separated by a road or other infrastructural element are effectively contiguous if such is consistent with the purposes of this Section.

8.3.5 **Uses Allowed As of Right.** The following uses are allowed as of right in an OSRD:

- 8.3.5.1 Detached single-family dwelling units.

8.3.6 **Special Permit Uses.** The following uses are only allowed by OSRD Special Permit in an OSRD:

- 8.3.6.1 Single-family attached dwelling units;

8.3.9.2

**Yield Calculation.** The maximum base number of dwelling units to which an OSRD is entitled shall be determined by the Planning Board following the submission of a Yield Calculation, as set forth below. The Yield Calculation shall be submitted as part of the OSRD-EIDR or OSRD Special Permit application, but may be submitted on a preliminary basis to the Planning Board, as part of an informal pre-application meeting, as provided for in Section 8.3.5.1 herein.

The Yield Calculation is determined by the following steps:

- Step One:** Subtract from the total original area of the development tract 100% of all wetlands.
- Step Two:** Reduce that result by 10%, as an infrastructure factor.
- Step Three:** Divide that result by the minimum lot size required in the underlying district.
- Step Four:** For results less than 2, eliminate any fractional part, and for results greater than 2, round up to the next whole number for fractions of .5 or greater, and down for fractions less than .5.
- Step Five:** The result shall then be adjusted by the addition of the following number of units, to attain general parity with that of a conventional subdivision:

<u>Yield</u>	<u>Added Units</u>
1 to 3 units	0
4 to 8 units	1
9 to 13 units	2
14 to 18 units	3
Over 18 units	4

**Yield:** The result is the maximum base number of dwelling units allowed, provided that all other conditions required in Section 8.3 are met.

8.3.9.3

**OSRD Dimensional Requirements.** The following dimensional requirements shall apply within an OSRD, in place of the requirements set forth in Section 5.2, Table of Dimensional Requirements:

<b>Minimum Dimensional Requirements in OSRD</b>		
	<b>Detached single-family dwelling units</b>	<b>Single-family attached dwelling units</b>
8.3.9.3.1 Lot Size	10,000 sq. ft.	7500 sq. ft.
8.3.9.3.2 Lot Frontage on existing	100% of lot frontage requirement in underlying	100% of lot frontage requirement in

- 8.3.9.4 **Density Increases Allowed by Special Permit.** The Planning Board may grant one or more density bonus units beyond the maximum base number of units allowed pursuant to the Yield Calculation using one or more of the following options:
- 8.3.9.4.1 **Open Space.** For each additional five (5) percent of the tract set aside as common open space above the minimum required below in Section 8.3.7.1, a bonus of ten (10) percent of the Yield Calculation of units may be allowed.
  - 8.3.9.4.2 **Affordable Housing.** For every one (1) dwelling unit restricted in perpetuity as affordable housing, as defined in this bylaw, two (2) additional market rate dwelling units may be allowed.
  - 8.3.9.4.3 **Moderate Income Housing.** For every one (1) dwelling unit restricted in perpetuity as moderate income housing, as defined in this bylaw, one (1) additional market rate dwelling unit may be allowed.
  - 8.3.9.4.4 **Historic Preservation.** For a historically significant building or a major structure, including a barn or other accessory use preserved as part of the OSRD, one (1) additional market rate unit may be allowed. The determination of historical significance shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission.
  - 8.3.9.4.5 **Aggregate Yield.** A density bonus shall be based on any combination of the bonuses listed above, provided that in no event shall the density bonus for the OSRD exceed, in the aggregate, fifty (50) percent of the dwelling units allowed in the Yield Calculation, and provided that all other conditions required in Section 8.3 are met.

#### 8.3.10 Procedures.

- 8.3.10.1 **Pre-application Meetings.** All OSRD applicants are encouraged to meet informally with the Planning Board prior to submitting an EIDR or Special Permit application, and to accompany this discussion with a Sketch Plan under the provisions of Section 8.3.5.2. The purposes of a pre-application review are to solicit guidance from the Planning Board at the earliest possible stage in the process, in order to identify site design issues and to establish an approximate number of allowed residential dwelling units, thereby keeping the applicant's costs for landscape design, site engineering and other technical expertise to a minimum. At the request and expense of the applicant, the Planning Board may engage technical experts to review the applicant's informal plans and to facilitate submittal of a formal EIDR application.
- 8.3.10.2 **Sketch Plan.** A sketch plan shall be submitted as part of the EIDR application, defined as a minimally detailed, schematic drawing of the proposed OSRD that contains sufficient information in regard to existing and proposed conditions to allow the Planning Board to understand the nature and physical impact of the development on the land. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA



to create internal and external connections to existing and/or potential streets, interior drives, sidewalks, and trails.

**Step Four: Drawing of Lots and Easement Lines.** The final step shall be to draw in the lot lines depicting the subdivision of the OSRD tract, including all easements and deed restrictions shown on the plan. In the case of condominium or cooperatives without individual lot ownership, assumed lot lines for illustrative purposes may be depicted on the plans.

### 8.3.11 Common Open Space Requirements.

- 8.3.11.1 **Minimum Open Space Requirement.** In the SRC and SRE districts, the OSRD shall protect in perpetuity at least forty (40) percent of the total tract as common open space, or fifty (50) percent where the OSRD must employ shared or individual septic systems or other on-site treatment, because no public sanitary sewer collection system is available. In the SRB district, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space. The common open space shall not be further divided or subdivided, and a restriction to such effect shall be noted on the EIDR plans recorded at the Registry of Deeds.
- 8.3.11.2 **Limitations on Composition of Open Space.** In no case shall more than seventy-five (75) percent of the land area used to satisfy the minimum open space requirement consist of wetlands or other non-buildable land area.
- 8.3.11.3 **OSRD Open Space Standards.** The landscape shall be preserved in its natural state. When necessary for utilities, roadways and similar purposes which cannot be avoided, or where desirable improvements to the landscape will be made, disturbances shall be minimized, by keeping to a minimum the removal of tree and forest vegetation, the excavation and removal of soil and the major alteration of existing topography. The massing and shape of the open space shall be designed to maximize its functionality for wildlife habitat and conservation, passive recreation, agriculture, horticulture, forestry, and equestrian use. Cultural and historical resources and scenic amenities may also be incorporated into the open space.

The open space shall be contiguous to the maximum extent possible. Connectivity between open space areas within the development tract, and to open space areas external to it, shall be incorporated wherever possible. No open space area shall be less than 50 feet in its smallest dimension. Open space traversed by a roadway may be considered by the Planning Board to be connected. Not more than five (5) percent of the open space areas may be covered by pavement or paved roads and allowable accessory structures.

Structures located within the common open space shall only include those structures used to support proper use of the open space, including but not limited to equipment storage, temporary shelters, sanitary facilities, and trail information stations. New or existing trails or walkways shall be constructed or retained, as applicable, for the purpose of providing reasonable access to the open space. No cluster, at its nearest point, shall lie farther than three-hundred (300) feet from the closest point of the open space, with the exception of minor adjustments allowed by the Planning Board where compliance with this standard is impractical. Underground utilities, stormwater management facilities, and shared wastewater treatment systems serving the site may be located within the

184. The Town of Westwood shall retain the right to enforce such covenants.

8.3.11.4.4 **Special Maintenance Provisions.** The Town shall be granted an easement over the common open space in all cases, to ensure its perpetual maintenance as open space consistent with the purposes of this Section. Such easement shall provide that in the event the corporation, trust, or other owner fails to maintain the open space in good functional condition, the Town may, after notice to the owners and a public hearing, enter the common open space to provide reasonable maintenance, in order to prevent or abate a nuisance. The cost of such maintenance shall be assessed against the properties within the development and/or to the owner of the common open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.3.12 **Design Standards.** The following minimum design standards shall apply to any OSRD site plan and shall guide the design of the site as an OSRD:

8.3.12.1 **Landscape Preservation.** Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree and vegetative cover removal and alterations to the pre-development natural topography. Mature trees of six (6) inch caliper or greater, measured four feet above average grade level, shall in particular be retained to the maximum practical extent. The location and orientation of housing sites or clusters shall be such as to maintain maximum natural topography. This design-with-the-land approach shall be employed in all site planning, wherein retention of natural topographic and vegetative features, views and natural drainage courses shall be treated as fixed determinants of housing cluster locations or interior drive layouts, rather than altering the site to accommodate a fixed development plan.

8.3.12.2 **Roadway and Infrastructure Design.** The standards for all OSRDs, whether involving a definitive plan approval or not, shall be those of the Westwood Rules and Regulations Governing the Subdivision of Land, in regard to the alignment, width, and design of streets and interior drives in an OSRD, as well as all related infrastructural elements within and along rights of way. Streets and interior drives in an OSRD shall be designed to be in compliance with the locational and dead end standards in those Rules and Regulations. Related infrastructural elements shall include, but not be limited to, the following: sewage collection, water distribution, stormwater management, power and energy transmission, and telecommunications. However, applicants are encouraged to consider alternate designs for interior drives and other infrastructural elements that might involve variations to those standards, including but not limited to narrower rights of way and paved travel lanes, as long as adequate grade, width and construction are maintained. The Planning Board may grant design waivers in accordance with prescribed procedures.

In all cases, streets and interior drives shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views into and within the development site.

8.3.14 **OSRD Special Permit Decision for Single-family Attached Housing.** Approval shall be granted by means of a written OSRD Special Permit decision, based upon a finding by the Planning Board that the OSRD application demonstrates consistency with the standards below:

- 8.3.14.1 Consistency with the purposes of this Section.
- 8.3.14.2 Demonstration of proper and complete application of the OSRD 4-step design process.
- 8.3.14.3 General consistency with Section 10.3 [Special Permits] of the Zoning Bylaw.
- 8.3.14.4 Compatibility with the scale, visual character and amenities of the neighborhood.
- 8.3.14.5 Compatibility of the single-family attached housing with the other housing types and clusters within the OSRD, using site design, architectural elements, building massing, and open space and landscaping, thereby creating a unified development that succeeds in establishing a harmonious residential environment.

8.3.15 **OSRD Special Permit Decision for Density Bonus Units.** Approval shall be granted by means of a written OSRD Special Permit decision, based upon a finding by the Planning Board that the proposed density bonus meets one or more of the allowed bonuses in Section 8.3.9.4.

8.3.15.1 **Limit on Density Yield.** The Planning Board shall further find that the density bonus for the OSRD project will not exceed, in the aggregate, fifty (50) percent of the Yield Calculation of dwelling units.

8.3.16 **Special Conditions and Performance Guarantee.** The Planning Board may impose reasonable conditions as part of any OSRD-EIDR or OSRD Special Permit approval and may require suitable performance guarantees to assure compliance with those conditions.

8.3.17 **Regulations.** The Planning Board may adopt OSRD rules and regulations consistent with this Zoning Bylaw and the laws of the Commonwealth.

**Article 4:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.1 [Conversion of One-Family Dwelling] as set forth below, or take any other action in relation thereto.

- 1) Remove the existing Section 8.1 [Conversion of One-Family Dwelling] in its entirety and replace with a new Section 8.1 [Conversion of One-Family Dwelling] to read as follows:

## **8.1 CONVERSION OF ONE-FAMILY DWELLING**

8.1.1 **Purposes.** The purposes of this section are as follows:

- 8.3.1.1 to preserve culturally, historically, or architecturally significant residential structures of value to the community;

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	related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises
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