

Zoning Amendment Planning Board Warrant Articles 1 - 7
Revised through March 3, 2016

Article 1: Zoning Amendments Related to Senior Housing – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.3 [Open Space Residential Development (OSRD)] to provide for age-restricted housing, amend the application procedures, and delete in its entirety Section 8.4 [Senior Residential Development (SRD)].

- 1) Delete Section 8.4 [Senior Residential Development (SRD)] in its entirety and renumber subsequent sections as appropriate.
- 2) Amend Section 8.3 to read as follows:

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.3.1 **Purposes.** The purposes of Open Space Residential Development (OSRD) are as follows:

- 8.3.1.1 to conserve natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community;
- 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 8.3.12) 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.
- 8.3.1.6 to encourage senior housing development, affordable housing development, historic preservation, and greater conservation of open space.

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 dwelling 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 dwelling 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.

8.3.2.4 **Age-Restricted Dwelling Units.** Age-Restricted Dwelling Units shall mean dwelling units where occupancy shall be restricted in perpetuity to households where at least one person has reached fifty-five (55) years of age.

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;

8.3.6.2 Bonus Dwelling Units.

8.3.7 **Facilities and Amenities.** The following facilities and amenities are allowed in an OSRD:

8.3.7.1 Common open space areas for active or passive recreation, preservation of habitat and natural resources, maintenance of scenic amenities, buffering between uses, both within the site and from abutting properties, connecting greenways to abutting protected open space, lawn and landscaped areas within the site, pedestrian and bicycle trails, and similar features;

8.3.7.2 Recreational amenities primarily for residents of the OSRD, including but not limited to: a community center, swimming pool, beach, tennis court, or children’s playground;

8.3.7.3 Accessory uses necessary to the operation and maintenance of the development, including but not limited to detached structures for parking, sheds for equipment and tool storage, structures housing heating/ventilating and air conditioning, pumping stations or similar facilities, and energy generating facilities allowed by this bylaw.

8.3.8 Planning Board Approvals Required.

- 8.3.8.1 **Subdivision Approval Required.** When applicable under M.G.L. c. 41, § 81K through § 81GG and the Westwood Rules and Regulations Governing the Subdivision of Land, an OSRD shall require a Definitive Subdivision Plan approval. No building permit shall be issued for any new structure within an OSRD subdivision prior to the recording of an endorsed Definitive Subdivision Plan with the Norfolk Registry of Deeds.
- 8.3.8.2 **Site Plan Approval Required.** An OSRD Project shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this bylaw, and no building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD-EIDR Approval in the office of the town clerk.
- 8.3.8.3 **Uses Requiring Special Permit.** An OSRD containing one or more structures of Single-family Attached Dwelling Units, and/or one or more Bonus Dwelling Units, shall require an OSRD Special Permit issued by the Planning Board. The OSRD Project shall be subject to EIDR approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the OSRD Special Permit, and no separate EIDR Approval shall be required. No building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD Special Permit in the office of the town clerk.

8.3.9 Density and Dimensional Requirements.

- 8.3.9.1 **Base Density from Underlying District.** The base number of dwelling units allowed in an OSRD shall be determined by the minimum lot size in the underlying district, SRB, SRC, and SRE, except as provided in Section 8.3.9.4 herein in regard to bonus 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, and shall be submitted on a preliminary basis as part of a preliminary review meeting, as provided for in Section 8.3.14 and Section 8.3.15 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 and all such other land as may be determined by the Board to be unsuitable for development, including but not limited to, significant rock outcroppings and areas with slopes in excess of 15%.
- 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 round down to the previous whole number 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>Step Four Result</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:

Minimum Dimensional Requirements in OSRD		
	Detached Single-family Dwelling Units	Single-family Attached Dwelling Units
8.3.9.3.1 Lot Size	10,000 sq. ft.	7500 sq. ft.
8.3.9.3.2 Lot Frontage on existing street	100% of lot frontage requirement in underlying district	100% of lot frontage requirement in underlying district
8.3.9.3.3 Lot Frontage on an interior drive	75'	75'
8.3.9.3.4 Perimeter Tract Setback	30'	30'
8.3.9.3.5 Front Setback on existing street	100% of front setback in underlying district	100% of front setback in underlying district

8.3.9.3.6 Front Setback on an interior drive	20'	10'
8.3.9.3.7 Side setback for principal structure	10'	10'
8.3.9.3.8 Rear setback for principal structure	10'	10'
8.3.9.3.9 Side and rear setbacks for accessory structures	5'	5'

8.3.9.3.10 **Lot Frontage and Lot Width Reduction.** The Planning Board may reduce the minimum frontage and lot width requirements if dwelling unit dimensions, location on curved frontage or a street terminus, or other conditions justify doing so, provided the reduction is consistent with the intent of this Section. Reduced frontage lots shall be located on streets and interior site drives fronting within the interior of the OSRD tract, unless the Planning Board finds that location on a way exterior to the tract is not detrimental to the neighborhood.

8.3.9.3.11 **Front Setback in Multiple Districts.** In cases where an OSRD lies in more than one eligible district, if the tract lies 2/3 or more in one district, the front setback for that district shall apply in total. In cases where the OSRD lies less than 2/3 in one district, the frontage shall be the average of the required minimum front setbacks in the two districts.

8.3.9.3.12 **Side Yard Setback Reduction.** This setback requirement shall apply to Detached Single-family Dwelling Units and end units of structures containing Single-family Attached Dwelling Units. The Planning Board may reduce the side yard requirement if dwelling unit dimensions or other conditions justify doing so, provided the reduction is consistent with the intent of this Section.

8.3.9.3.13 More than one principal structure may be allowed on one lot.

8.3.9.4 **Bonus Dwelling Units Allowed by Special Permit.** The Planning Board may grant one or more Bonus Dwelling Units beyond the maximum base number of dwelling units allowed pursuant to the Yield Calculation in Section 8.3.9.2, using one or more of the following options:

8.3.9.4.1 **Age-Restricted Housing.** Where all dwelling units within an OSRD are restricted to meet the definition of Age-Restricted Dwelling Units in Section 8.3.2.4, then a bonus equal to three times (3) the maximum base number of dwelling units may be allowed. Where all dwelling units within an OSRD cluster are restricted to meet the definition of Age-Restricted Dwelling Units in Section 8.3.2.4, then a bonus equal to

three times (3) the number of dwelling units in that cluster may be allowed. All Bonus Dwelling Units allowed under this provision must be Age-Restricted Dwelling Units.

- 8.3.9.4.2 **Affordable Housing.** For every one (1) dwelling unit restricted in perpetuity to meet the definition of Affordable Housing in Section 2.0, over and above the minimum number of affordable dwelling units required pursuant to the Affordability Requirements in Section 8.3.11, a bonus equal to 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 to meet the definition of Moderate Income Housing in Section 2.0, a bonus equal to one (1) additional market rate dwelling unit may be allowed.
- 8.3.9.4.4 **Historic Preservation.** Where an OSRD preserves a historically significant building or historically significant major structure, including a barn or other accessory structure, a bonus equal to one (1) additional dwelling unit may be allowed. The determination of historical significance and the suitability of preservation initiatives shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission.
- 8.3.9.4.5 **Additional Open Space.** For each additional five (5) percent of the tract protected as common open space above the minimum required below in Section 8.3.10.1, a bonus equal to ten (10) percent of the maximum base number of dwelling units may be allowed. Where the calculation of Bonus Dwelling Units results in a fraction, 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 to the previous whole number for fractions less than .5.
- 8.3.9.4.6 **Aggregate Yield.** The Aggregate Yield for an OSRD shall be based on any combination of the bonuses listed above, provided that all other conditions required in Section 8.3 are met. The total number of Bonus Dwelling Units for the OSRD shall not exceed, in the aggregate, fifty (50) percent of the maximum base number of dwelling units allowed pursuant to the Yield Calculation in Section 8.3.9.2, except in cases where all Bonus Dwelling Units exceeding fifty (50) percent of the maximum base number of dwelling units are Age-Restricted Dwelling Units permitted pursuant to Section 8.3.9.4.1.
- 8.3.9.4.7 **Fiscal Impact.** In all cases, the maximum allowable number of Bonus Dwelling Units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said units will have no significant negative fiscal impact on the town.

8.3.10 Common Open Space Requirements.

8.3.10.1 **Minimum Open Space Requirement.** In the SRC and SRE districts, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space, or sixty (60) 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 sixty (60) 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.

8.3.10.2 **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.

8.3.10.3 **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 common open space. Surface collection systems such as retention and detention ponds shall not count toward the minimum common open space requirement. Existing or proposed utility easements shall not be counted as common open space unless allowed by the Planning Board.

8.3.10.4

Ownership, Protection and Maintenance of the Open Space.

8.3.10.4.1 **Conveyance.** The common open space may be conveyed to any of the following entities:

- 1) The Town of Westwood or its Conservation Commission.
- 2) A non-profit organization whose primary purpose is to conserve and maintain open space.
- 3) A corporation or trust owned jointly or in common by the owners residing in the OSRD. When the open space is conveyed to said corporation or trust, maintenance of the open space shall be guaranteed in perpetuity. The corporation or trust shall provide for mandatory assessments of each lot and unit for maintenance purposes. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions to affect these requirements. Documents creating such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

8.3.10.4.2 **Conservation Restrictions.** When common open space is not conveyed to the Town or to its Conservation Commission, a conservation restriction or agricultural or forest preservation restriction enforceable by the Westwood Conservation Commission or other board under M.G.L. c. 184, § 31, is required, in compliance with the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources, or their successor agencies. Said restriction shall be recorded in the manner provided by statute. The Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so. The common open space shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth in this Section, and shall be maintained in a manner which will ensure its suitability for its intended purposes.

8.3.10.4.3 **Conservation Covenants.** Any common open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction, or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts, shall be subject to a restrictive covenant, which shall be approved by the Planning Board and Board of Selectmen, and which shall be duly recorded at the Registry of Deeds and subject to the Extension of Period provisions in Sections 27 and 28 of M.G.L. chapter 184. The Town of Westwood shall retain the right to enforce such covenants.

8.3.10.4.4 **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.

8.3.11 Affordability Requirements. Where any project authorized under a OSRD Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the OSRD 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.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
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

8.3.12 OSRD 4-step Design Process. The application shall contain graphic and written material sufficient to demonstrate to the Planning Board that the four-step design process set forth below was performed by a registered landscape architect, or a team which includes a registered landscape architect, in establishing the layout of open space, housing units and clusters, streets, and lots.

Step One: Identification of Conservation Areas. The first step in the design process shall be to identify, analyze, and incorporate in the plans the natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and

forestry operations, cultural resources and other natural and man-made features of value to the community that exist on the OSRD tract and immediate vicinity. In addition, the OSRD concept design shall be considered in the larger context of neighborhood character, transportation and transit services, district land use patterns, cultural issues and other factors that might affect, or be affected by, the OSRD. The outcome of Step One is both to identify likely open space protection areas, and to identify in a preliminary way the potentially developable parts of the OSRD tract.

Step Two: Location of Housing Sites (Clusters). The second step shall be to locate the approximate siting of residential structures within the potentially developable areas, including the delineation of private yards and shared amenities so as to reflect an integrated community. The number of dwelling units with direct access to the natural and man-made amenities of the OSRD should be maximized.

Step Three: Alignment of Streets, Interior Drives, and Trails. The third step shall be to align streets and interior drives in order to provide access to the housing clusters and residential structures. New trails should be laid out 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.

8.3.13 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:

8.3.13.1 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.

8.3.13.2 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, length, 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.

- 8.3.13.3 **Pedestrian and Bicycle Circulation.** Where appropriate, walkways and/or multi-purpose trails shall be provided within the OSRD to connect dwellings with parking areas, recreation facilities and open space, and adjacent land uses.
- 8.3.13.4 **Visibility of Open Space.** Open space in the OSRD shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- 8.3.13.5 **Architectural Design and Neighborhood Compatibility.** In overall scale, architectural detailing, building massing, height, exterior materials, and roofline articulation, residential structures in an OSRD shall be reasonably compatible with existing structures in surrounding residential areas, when there is a functional or visual relationship between the surrounding structures and the proposed structures. The Planning Board may limit and/or redistribute the number of dwelling units contained in a single structure, if it determines that the proposed structure would otherwise compromise or obstruct desired views from abutting properties or from public ways, or if the proposed configuration has a negative environmental impact upon any abutting property.
- 8.3.13.6 **Cultural Resources.** The removal or disruption of historic or archaeological resources or traditional or significant uses, structures, or architectural elements shall be minimized.
- 8.3.13.7 **Stormwater Management.** To the extent practicable, the use of low impact development and soft drainage techniques shall be employed in the design of an OSRD, subject to compliance with all applicable local and state standards and requirements.
- 8.3.13.8 **Off-Street Parking.** All off-street parking in an OSRD shall comply with the requirements of Section 6.0 in this bylaw, except in the case of an age-restricted OSRD, or age-restricted OSRD cluster, where parking requirements shall be as provided in Section 8.3.13.10.4.
- 8.3.13.9 **Mix of Housing Types.** Any mix of one or more of the allowed housing types, shall be permitted in an OSRD, up to the maximum number of dwelling units permitted under this Section.

8.3.13.10 **Design Standards for Age-Restricted Dwelling Units.** Where Age-Restricted Dwelling Units within an OSRD, or within an OSRD cluster, are developed pursuant to Section 8.3.9.4.1, such dwelling units shall be located and designed in such a manner as to 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. The following additional design standards for Age-Restricted Dwelling Units shall apply:

8.3.13.10.1 **Coordinated Development.** The age-restricted OSRD, or age-restricted OSRD cluster, shall be developed as a coordinated unit, under common management and serving a common function.

8.3.13.10.2 **Accessibility.** All Age-Restricted Dwelling Units shall be designed to accommodate suitable means of access and egress for people with disabilities in conformance with 521 CMR Section 9. Additionally, in cases where supplemental wheelchair ramps and/or lifts are necessary to achieve suitable means of access and egress, architectural plans for individual dwelling units shall demonstrate the location and means of incorporating such ramps and/or lifts. Such ramps and/or lifts shall be installed by the owner of any dwelling unit if required by a resident of said dwelling unit.

8.3.13.10.3 **Limit on Number of Bedrooms.** There shall be not more than two (2) bedrooms in any Age-Restricted Dwelling Unit, nor shall there be any den, office, bonus room, loft, attic, or similar area which could be converted for use as a third bedroom.

8.3.13.10.4 **Off-Street Parking.** Off-street parking may be reduced to one and one-half (1 ½) parking spaces per Age-Restricted Dwelling Unit at the discretion of the Board. At least one parking space shall be reserved for each Age-Restricted Dwelling Unit and located within one hundred fifty (150) feet thereof. Adequate provisions shall be made for additional visitor parking spaces, in a manner and amount deemed appropriate by the Board.

8.3.13.10.5 **Community Facilities.** The age-restricted OSRD, or age-restricted OSRD cluster, shall contain appropriately designed on-site community facilities to serve the recreational and social needs of residents, unless the Board determines that such is unnecessary due to location of the development in close walking distance to similar off-site facilities.

8.3.14 **Pre-application Review by Land Use Committee.** All OSRD special permit applicants are required to meet informally for a Pre-application Review with the Town's Land Use Committee prior to submitting a Preliminary OSRD Special Permit Application to the Planning Board, and to accompany this discussion with a Sketch Plan and Project Narrative pursuant to the provisions of Section 8.3.14.1 and 8.3.14.2. OSRD-EIDR applicants are encouraged, but not required, to participate in a Pre-application Review with the Land Use Committee. The purposes of a Pre-application Review are to solicit guidance from the Town's review staff, which consists of but is not limited to, the Director of Community & Economic Development, Town Planner, Town Engineer, Health Director, Public

Works Director, Fire Chief, Building Commissioner, Zoning Board Administrator, Police Chief, Public Safety Officer, Conservation Agent, Housing Administrator, Licensing Administrator and Land Use Specialist 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. The Land Use Committee shall prepare a written non-binding Preliminary Recommendation to the Planning Board, including an initial determination of compliance with the Zoning Bylaw and the Planning Board's Subdivision Rules and Regulations, and including comments on the suitability of the proposed location, density, and traffic impacts. The Land Use Committee's Preliminary Recommendation shall be a required component of a Preliminary OSRD Special Permit Application.

8.3.14.1 **Sketch Plan.** A Sketch Plan shall be submitted in advance of the Pre-application Review meeting with the Land Use Committee. The Sketch Plan shall be a minimally detailed, schematic drawing of the proposed OSRD that contains sufficient information in regard to existing and proposed conditions to allow the Land Use Committee 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 Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources.

8.3.14.2 **Project Narrative.** A Project Narrative shall be submitted in advance of the Pre-application Review meeting with the Land Use Committee. The Project Narrative shall contain sufficient information in regard to the proposed OSRD to allow the Land Use Committee to understand the nature of the proposed development, including but not limited to the number and type of proposed base and Bonus Dwelling Units, and information related to the anticipated environmental and traffic impacts of the proposed development.

8.3.15 **Preliminary Review by Planning Board.** All OSRD Special Permit applicants shall submit a Preliminary OSRD Application for the Planning Board's review. The submission of a preliminary application allows the Applicant, the Planning Board, the Board of Health, the Conservation Commission, the Public Works and Public Safety Departments, other Town agencies, boards, committees, and property abutters to consider and discuss issues and clarify the details of such proposal before a full OSRD Application is filed. The primary purpose of the preliminary application shall be to determine the suitability of the land, and to confirm the maximum base number of dwelling units and maximum number of Bonus Dwelling Units, if any.

8.3.15.1 **Submission Requirements.** Any person wishing to submit a Preliminary OSRD Application shall file with the Planning Board an application form, Project Narrative, Preliminary OSRD Plan, and a written recommendation from the Land Use Committee pursuant to Section 8.3.14. The number of copies and filing fee shall be in accordance with the Board's rules and regulations. The Preliminary OSRD Plan shall include the designation "Preliminary OSRD Plan", north point, scale, date, legend, zoning classification, major site features including fences, buildings, trees with 10 inches caliper or larger, topography of the land showing five foot contours, existing

boundaries, the approximate boundary lines of proposed lots with approximate building footprint areas and dimensions, wetland boundaries, and the yield calculation.

8.3.15.2 **Public Hearing.** The Planning Board's review of the Preliminary OSRD Application shall be in the course of a duly noticed public hearing in accordance with the Board's Rules and Regulations.

8.3.15.3 **Planning Board Preliminary Review Action.** The Planning Board shall hold a public hearing within forty-five (45) days after submission of a complete Preliminary OSRD Application and act on the application within thirty (30) days of the close of the hearing. The action of the Board shall be by vote of a simple majority of the Board, and shall be recorded in the form of a written Preliminary Review Action. The Board's Preliminary Review Action shall constitute a determination of the maximum project density. If the Board requires plan modifications or disapproves the Preliminary OSRD Application, it shall state its reasons for doing so in the Preliminary Review Action. An affirmative Preliminary Review Action, with or without modifications to the Preliminary OSRD Plan, does not constitute approval of the Final OSRD Plan, but facilitates that Applicant's preparation of the Final OSRD Application submission. In the event of disapproval, the Board shall state its findings as to how the Preliminary OSRD Application does not meet the purposes and requirements of this bylaw. An affirmative Preliminary Review Action shall be required prior to the submission of a Final OSRD Application.

8.3.16 **Final Review by Planning Board.** All applicants seeking OSRD-EIDR Approval or OSRD Special Permit Approval shall submit a Final OSRD Application for the Planning Board's review and consideration.

8.3.16.1 **Submission Requirements.** Any applicant wishing to submit a Final OSRD Application shall file with the Planning Board an application form, Project Narrative, Final OSRD Plan, Demonstration of OSRD 4-step Process pursuant to Section 8.3.12, Traffic Impact Report, Fiscal Impact Report, and a copy of an affirmative Preliminary Plan Action pursuant to Section 8.3.15.3. The number of copies and filing fee shall be in accordance with the Board's Rules and Regulations. The Final OSRD Plan shall include the designation "Final OSRD Plan", north point, scale, date, legend, zoning classification, major site features including fences, buildings, trees with 10 inches caliper or larger, topography of the land showing five foot contours, existing boundaries, the boundary lines of proposed lots with approximate building footprint areas and dimensions, wetland boundaries, and the yield calculation.

8.3.16.2 **Public Hearing.** A duly noticed public hearing in accordance with the Board's Rules and Regulations shall be conducted by the Planning Board within sixty-five (65) days of submission of the Final OSRD Application and plans.

8.3.16.3 **OSRD-Environmental Impact and Design Review (EIDR) Requirements.**

8.3.16.3.1 **General.** All OSRD applications shall be subject to the EIDR process in Section 7.3 of this bylaw. In the case of an application for an OSRD Special Permit, the EIDR component shall be consolidated within the

Board's OSRD Special Permit review pursuant to Section 8.3.16.4. The Planning Board may waive particular submission requirements for OSRD's if they are determined to be inapplicable or unnecessary for EIDR review purposes, provided that doing so is consistent with the purposes of this Section.

8.3.16.3.2 **OSRD-EIDR Decision.** In the case of an application for OSRD-EIDR Approval, the Board shall render a written OSRD-EIDR decision within ninety (90) days of the close of the public hearing. Said decision shall be based upon a determination by the Planning Board that the OSRD application meets the criteria below.

- 1) Consistency with the purposes of Section 8.3.
- 2) Demonstration of proper and complete application of the OSRD 4-step design process.
- 3) General consistency with all applicable elements of the EIDR standards in Section 7.3.7.
- 4) Responsiveness to all applicable elements of the Design Standards in Section 8.3.13.
- 5) Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.

8.3.16.4 **OSRD Special Permit Review Requirements.**

8.3.16.4.1 **General.** All OSRD applications for projects including Single-family Attached Dwelling Units as defined in Section 8.3.2.1 and/or requesting Bonus Dwelling Units pursuant to Section 8.3.9.4, shall require OSRD Special Permit Approval by the Planning Board.

8.3.16.4.2 **OSRD Special Permit Decision.** The Board shall render a written OSRD Special Permit decision within ninety (90) days of the close of the public hearing. Said decision shall be based upon consideration by the Planning Board of the OSRD special permit criteria below. Failure to take action within the 90 day period shall be deemed to constitute constructive approval of the OSRD Special Permit application.

8.3.16.4.2.1 **OSRD Special Permit Decision for Single-family Attached Dwelling Units.** 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:

- 1) Consistency with the purposes of Section 8.3.

- 2) Demonstration of proper and complete application of the OSRD 4-step design process.
- 3) General consistency with Section 10.3 [Special Permits] of the Zoning Bylaw.
- 4) Compatibility with the scale, visual character and amenities in the surrounding neighborhood.
- 5) Compatibility of the Single-family Attached Dwelling Units 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.
- 6) Responsiveness to all applicable elements of the Design Standards in Section 8.3.13.
- 7) Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.

8.3.16.4.2.2 **OSRD Special Permit Decision for Bonus Dwelling Units.** 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 meets one or more of the allowed bonuses in Section 8.3.9.4 and demonstrates consistency with the standards below:

- 1) Conformance with the Aggregate Yield requirements of Section 8.3.9.4.6.
- 2) Demonstration of no significant negative fiscal impact to the town.
- 3) Consistency with the purposes of Section 8.3.
- 4) Demonstration of proper and complete application of the OSRD 4-step design process.
- 5) Compatibility with the scale, visual character and amenities surrounding neighborhood.
- 6) General consistency with Section 10.3 [Special Permits] of the Zoning Bylaw.

- 7) Responsiveness to all applicable elements of the Design Standards in Section 8.3.13.
- 8) Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.
- 9) Suitability of the proposed design, location, and layout of the overall OSRD, and of each individual dwelling unit and all proposed common facilities, to uniquely serve the physical and social needs of the residents.
- 10) Impact on the quantity and quality of the available housing choices for the residents of the affordable dwelling units, moderate income dwelling units, and/or residents fifty-five (55) years of age or older, with a range of income levels and physical abilities, and demonstrated market for all proposed Age-Restricted Dwelling Units.

8.3.17 **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.

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

Article 2: Zoning Amendments to Allow Commercial Outdoor Seating as an Accessory Use - To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to allow commercial outdoor seating as a permitted accessory use in association with permitted commercial uses by adding a new use category to Section 4.3.1 [Table of Accessory Uses].

1) Add a new Section 4.3.2.5 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.2.5 Commercial Outdoor Seating in association with permitted commercial uses pursuant to Section 4.4.2	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y

2) Add a new Section 4.4.2 to read as follows:

4.4.2 **Commercial Outdoor Seating.** Outdoor seating for restaurants, fast order food establishments, coffee shops, ice cream parlors, retail take-out counters, professional service establishments, research and development facilities, or other similar allowed use may be permitted upon review and approval, subject to the conditions in Sections 4.4.2.1 through 4.4.2.7 below. Residential uses are exempt and not regulated under this section.

4.4.2.1 Plans for all proposed outdoor seating must be approved by the Town Planner, in writing, in advance of implementation.

4.4.2.2 In all cases, sufficient clearance of at least six (6) feet shall be maintained for safe and efficient public access along sidewalks, access drives, and roadways.

4.4.2.3 Outdoor seating areas shall be appropriately separated from streets and sidewalks by means of fencing, plantings, or other similar measures, and where necessary, shall be protected from vehicles by means of curbing, curb stops, bollards, or other similar buffering and protection measures.

4.4.2.4 Outdoor seating areas shall at all times comply with the requirements of Section 6.6 [Noise] and Section 6.4 [Exterior Lighting] of this Bylaw.

4.4.2.5 A sufficient number of off-street parking spaces shall be provided to meet the minimum parking requirements for the associated business, including parking spaces related to the outdoor seats.

4.4.2.6 Outdoor seating areas shall be maintained in a neat and orderly condition at all times and shall be managed in such a manner as to not negatively affect any adjacent properties.

4.4.2.7 Once implemented, outdoor seating areas shall be reconfigured upon the order of the Building Commissioner, as the Building Commissioner deems necessary to address public safety, convenience, order, or appearance.

3) Delete Note 6 in Section 4.2 [Notes for Table of Principal Uses] in its entirety and renumber subsequent notes as appropriate.

Article 3: Zoning Amendments Related to Calculating the Required Affordable Units - To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to further define how to calculate the required number of affordable housing units in various sections of the Zoning Bylaw, including without limitation Section 8.3 [Open Space Residential Development], Section 8.4 [Senior Residential Development], Section 9.5 [Flexible Multiple Use Overlay District], and Section 9.7 [University Avenue Mixed Use District].

1) Add a new Section 8.3.11 to read as follows, and renumber subsequent sections as appropriate:

8.3.11 **Affordability Requirements.** Where any project authorized under a OSRD Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units

specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the OSRD 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.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
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

2) Amend Section 8.4.3.6 to read as follows:

8.4.3.6 Affordability Requirements. Where any project authorized under a SRD Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the SRD 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.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
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

3) Amend Section 9.5.14 to read as follows:

9.5.14 **Affordability Requirements.** Where any project authorized under a FMUOD Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the FMUOD 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.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
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

4) Amend Section 9.7.4.5.3 to read as follows:

9.7.4.5.3 **Affordable Housing.** All of the following requirements for affordable housing must be satisfied:

- a. Of the three hundred and fifty (350) residential units allowed by right in the CDA, a minimum of two hundred and twenty-one (221) units plus ten percent (10%) of all units in excess of two hundred and twenty-one (221), rounded up to the next whole number, must, in the

determination of the Planning Board, be designed for inclusion on the DHCD Subsidized Housing Inventory and remain affordable in perpetuity.

- b. A minimum of ten percent (10%) of total dwelling units in excess of the 350 dwelling units allowed by right, if any, rounded up to the next whole number, must be Affordable Housing units and remain affordable in perpetuity. In addition, if the units within any Assisted Living Residence, Memory Care Facility, or Nursing or Convalescent Home are included in the Town's total number of housing units on the DHCD Subsidized Housing Inventory, then ten percent (10%) of these units, rounded up to the next whole number, shall be Affordable Housing units, unless the proponent satisfies the alternative requirements provided in Section 9.7.4.5.3.c below.

Article 4: Zoning Amendments to Allow Administrative Review for Minor Alterations of Existing Wireless Facilities – To see if the Town will vote to amend the Westwood Zoning Bylaw to add a new Section 9.4.5.5 under Permits Required in the Wireless Communications Overlay District to allow an administrative process for minor alterations.

1) Add a new Section 9.4.5.5 to read as follows:

9.4.5.5 **Administrative Review and Approval of Minor Alterations.** Minor alterations of an existing wireless communications facility operating under a valid WCOD Special Permit and/or WCOD EIDR Approval, which alterations will result in no visible exterior changes to an existing wireless facility, or which will result in visible exterior changes to an existing wireless facility which are determined by the Building Commissioner to be sufficiently minor in nature, may be permitted upon the issuance of an Administrative WCOD EIDR Approval pursuant to Section 7.3.6 [Administrative Review and Approval for Minor Alterations] of this Bylaw.

Article 5: Zoning Amendments Related to Off-Street Parking - To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw Section 6.1 related to Off-Street Parking.

1) Amend Section 6.1.2 to read as follows:

6.1.2 **Table of Parking Requirements.** The following table of Minimum Number of Required Parking Spaces for Principal Uses sets forth minimum on-site parking space requirements, provided, however, that joint/shared parking spaces conforming to the requirements of Section 6.1.10 or Section 6.1.11 may be allowed, and provided that fewer parking spaces may be authorized upon the grant of a special permit by the Planning Board pursuant to Section 6.1.9 or by grant of a waiver pursuant to Section 6.1.12, where parking is otherwise in compliance with the provisions of this Section.

2) Amend Section 6.1.9.3.4 to read as follows:

6.1.9.3.4 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 sufficient provisions securing the continued availability of land for such additional parking, and the ability to construct such additional parking, are assured in a manner satisfactory to the Planning Board. Such provisions may include a demonstration of physical and financial ability to construct additional surface or structured parking spaces in compliance with the requirements of Section 6.1.2, or such other assurances as are satisfactory to the Planning Board.

3) Amend Section 6.1.10 to read as follows:

6.1.10 Joint/Shared Off-Street Parking in Local and Highway Business Districts. Joint/shared 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, unless a waiver is granted by the Planning Board pursuant to Section 6.1.12. In cases where parking spaces are provided on nearby parcels, a convenient pedestrian connection shall be provided, and the continued availability of said parking spaces shall be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement recorded on the title records of each affected property.

4) Amend Section 6.1.11 to read as follows:

6.1.11 Joint/Shared Off-Street Parking in Administrative-Research-Office, Industrial and Industrial-Office Districts. Joint/shared 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, unless a waiver is granted by the Planning Board pursuant to Section 6.1.12. In cases where parking spaces are provided on nearby parcels, a convenient pedestrian connection shall be provided, and the continued availability of said parking spaces shall be adequately assured in a manner satisfactory to the Planning Board, such as by permanent easement recorded on the title records of each affected property.

5) Amend Section 6.1.12 to read as follows:

6.1.12 Reduction of Required Number of Joint/Shared Off-Street Parking Spaces for Existing Buildings. 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 waiver that would authorize a lesser number of joint/shared off-street parking spaces than would otherwise be required pursuant to Section 6.1.2 and Section 6.1.10 or Section 6.1.11. Said waiver may be granted by majority vote of the Board following a public hearing in accordance with the Board's Rules and Regulations, and only upon the Board's written determination of each of the following findings:

- 6.1.12.1 That the demand for the joint/shared off-street parking spaces differs significantly by time of day between the various uses; and
- 6.1.12.2 That a sufficient number of joint/shared off-street parking spaces are available to satisfy the parking demand for each use during the time period with the highest total combined parking demand; and
- 6.1.12.3 That the buildings associated with the requested waiver are pre-existing and that total floor area of those buildings is no greater than that which would be permitted absent the grant of a waiver pursuant to this Section; and
- 6.1.12.4 That satisfactory provisions have been made for an increase in the number of joint/shared parking spaces up to the minimum number otherwise required by Section 6.1.10 or 6.1.11, in the event that a change in use, or in intensity or character of use, results in an increased joint/shared parking demand. Such provisions may include a demonstration of physical and financial ability to construct additional surface or structured parking spaces in compliance with the requirements of Section 6.1.10 or 6.1.11, or such other assurances as are satisfactory to the Planning Board.
- 6.1.12.5 That the issuance of this waiver would not be inconsistent with the intent of this Bylaw.

Article 6: Housekeeping Amendments to Zoning Bylaw and Official Zoning Map - To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and official Zoning Map as may be necessary to correct any errors or inconsistencies.

1) Amend Section 4.1.6.1 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.6.1 Earth Material Movement per Section 7.1	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB

2) Delete Note 10 in Section 4.2 [Notes for Table of Principal Uses] in its entirety, and renumber subsequent notes as appropriate.

3) Amend Section 6.1.5.13 to read as follows:

6.1.5 COMMERCIAL USES	
6.1.5.13 Registered Marijuana Dispensary	One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to selling, storage, service and all other activities 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

4) Amend Section 6.1.19.5 to read as follows:

6.1.19.5 **Reduction of Landscaping Requirements.** The Planning Board may modify or reduce the requirements of Section 6.1.19 [Parking Areas for Ten or More Parking Spaces] where in its judgment, for topographic or engineering reasons, these requirements could not reasonably be met.

5) Amend Section 7.4.4 to read as follows:

7.4.4 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Board of Health has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.

6) Amend Section 7.4.6 to read as follows:

7.4.6 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report. Said Planning Board report shall indicate the status of the proposed RMD's Environmental Impact and Design Review (EIDR) application which is required pursuant to Section 7.3 of this Bylaw. If the Board of Appeals shall vote to grant a RMD Special Permit prior to the Planning Board's issuance of an EIDR Approval for the RMD project, the Board of Appeals' decision shall be conditional upon the granting of such EIDR Approval by the Planning Board and subject to any conditions thereof.

7) Amend the Official Zoning Map to correct the depiction of the UAMUD (University Avenue Mixed Use Overlay) District by extending the delineation of UAMUD to cover a ~3,600 SF rear portion of a parcel of land on Whitewood Road near the intersection of the former Blue Hill Drive shown on Assessor's Parcel Map 33 as Lot 51, so that the Official Zoning Map is consistent with the previously adopted Master Development Plan referenced in Section 9.7 of the Zoning Bylaw, and to correct the depiction of zoning district boundaries to be coincidental with lot lines where appropriate, as shown on the revised Official Zoning Map dated May, 2016.

Article 7: Zoning Amendment Related to Project Area in the FMUOD-1 – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw Section 9.5.9.1 [Minimum Project Area] under the Flexible Multiple Use Overlay District (FMUOD-1) also known as the University Avenue Business District from 30 acres to 10 acres.

1) Amend Section 9.5.9 [Alternative Dimensions Table] to decrease the minimum project area in the FMUOD-1 from 30 acres to 10 acres by amending Section 9.5.9.1 to read as follows:

		<u>FMUOD</u> <u>1</u>	<u>FMUOD</u> <u>2</u>	<u>FMUOD</u> <u>3</u>	<u>FMUOD</u> <u>4</u>	<u>FMUOD</u> <u>5</u>	<u>FMUOD</u> <u>6</u>	<u>FMUOD</u> <u>7</u>
9.5.9.1	Minimum Project Area ¹	10 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre

2) Add a footnote to Minimum Project Area in Section 9.5.9.1 to read as follows, and renumber subsequent footnotes as appropriate:

¹ Minimum project area shall include contiguous parcels and parcels separated by a roadway or railroad right-of-way that are effectively contiguous.