

Westwood Records Annual Town Meeting May 10, 2004

Pursuant to a warrant dated April 12, 2004, signed by Anthony Antonellis, Patrick J. Ahearn, and Nancy C. Hyde, Selectmen of Westwood, the inhabitants of Westwood qualified to vote in elections and Town affairs met at the Xaverian Brothers High School, Clapboardtree Street, in said Westwood on Monday, May 3, 2004 at 7:30 in the evening. The meeting was called to order at 7:30 P.M. by Moderator Stephen Gordet who declared the absence of a quorum. Upon a motion made, seconded and adopted, the meeting was adjourned to Monday, May 10, 2004 at 7:30 P.M. at Xaverian Brothers High School.

The adjourned session of the Annual Town Meeting was called to order on May 10 at 7:32 P.M. by Moderator Stephen Gordet who declared the presence of a quorum. The Return on the Warrant was read, followed by the Pledge of Allegiance to the Flag. It was moved, seconded and voted that the reading of the Articles be omitted, as was the customary adjournment notice.

At this time a Resolution was read honoring Ben Beale, as follows:

Resolution

WHEREAS, Benjamin Beale was the founder of the Westwood Commission on Disability and served as a member for twenty one years from 1982 to 2003, and

WHEREAS, during his terms of office, he gave generously of his time, and was committed and compassionate to disabled residents of the Town of Westwood, and

WHEREAS, he created awareness of the needs of our disabled neighbors to Town officials and residents by his participation in the Old Home Day Fair, and

WHEREAS, through his effort and example Westwood has become a more accessible community, by installing handicap lifts in the Town Hall and Public Library and additional handicap parking in public and private lots, and

WHEREAS, he had a style of leadership that brought individuals together, providing a helping hand, enthusiastic support and generous service, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2004 Annual Town Meeting, officially recognize and express its gratitude to Benjamin Beale for his dedicated service, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to Benjamin Beale.

Following this, the second John J. Cronin Public Service Award was presented to Joseph D. Clancy for his many years of service to the Town in both appointed and elected capacities.

ARTICLE 1

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of Three Hundred Twelve Thousand Eight Hundred Thirty-Three Dollars (\$312,833) to supplement the following fiscal year 2004 appropriations:

Transfer			
From Account	Amount	To Account	Amount
Reserve Fund	\$287,833	Workers Compensation	\$11,000
		School Unemployment Compensation	\$25,000
		School Health Insurance	\$85,000
		Snow & Ice	\$65,000
		Blue Hills Regional School Assessment	\$81,833
		Legal Expenses	\$15,000
		School and Municipal Comprehensive Insurance	\$5,000
FY04 Non-Contributory Pension	\$15,000	Business Development Salary	\$12,000
		Library Salary	\$3,000
Treasurer Expense	\$10,000	Treasurer Salary	\$10,000
Total	\$312,833	Total	\$312,833

ARTICLE 2

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of Fourteen Thousand One Hundred Sixty Dollars (\$14,160) to supplement the following fiscal year 2004 appropriations:

Transfer			
From Account	Amount	To Account	Amount
Sewer Retained Earnings	\$2,160	Sewer MWRA FY04 Assessment	\$2,160
Free Cash	\$5,000	Haslam Pond Project	\$5,000

Ambulance Receipts	\$7,000	Fire Ambulance Expenses	\$7,000
Total	\$14,160	Total	\$14,160

ARTICLE 3

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of Two Hundred Eighty-Six Thousand Seven Hundred Dollars (\$286,700) to supplement the following fiscal year 2004 appropriations:

Transfer			
From Account	Amount	To Account	Amount
Capital Article 4 -2003 ATM, Police Cruisers	\$86,700	Police Building Phone System Police Weapons Municipal Building/Capital Study	\$14,000 \$32,700 \$40,000
FY04 School Operating Budget	\$200,000	Thurston School Portables-Yr. 3 of 5 Yr. Lease School Technology Capital	\$138,200 \$61,800
Total	\$286,700	Total	\$286,700

ARTICLE 4

The Finance Commission made its recommendation on the floor, after which the Town voted unanimously in favor of the Finance Commission recommendation, specifically to transfer from available funds the sum of Sixty Thousand Seventy-One Dollars and One Cent (\$60,071.01) to pay the following unpaid bill of a prior fiscal year:

Unpaid Bill	Amount	From Account
School Yearbook-Josten's	\$28,342.66	FY03 Encumbrance Balance (\$16,000)/School budget FY04
Copy Machine-Xerox Corp.	\$31,500.00	School Budget FY04
School Elevator-Thyssen Elevator	\$228.35	School Budget FY04

ARTICLE 5

The Finance Commission recommended and the Town voted unanimously to rescind certain authorized but unissued borrowings of the Town:

Project	Town Meeting	Warrant Article	Amount
Street Light Purchase	2002 Annual	12	\$225,000
University Ave. Landscape	2002 Annual	13	\$325,000

ARTICLE 6

The Finance Commission recommended and the Town voted unanimously in favor of the amounts requested in Article 6. (See appendices at end of report.)

ARTICLE 7

The Finance Commission recommended and the Town voted unanimously to transfer from available funds the sum of Four Hundred Ninety Thousand Dollars (\$490,000) for the purchase, lease or lease/purchase of the following capital equipment:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Fire 1500 GPM Engines (3 rd of 6 payments)	Fire	\$118,305	Free Cash
Ladder Truck (4 th of 5 payments)	Fire	\$132,907	Free Cash
Police Cruisers	Police	\$95,086	Free Cash
Recreation Van	Recreation	\$35,000	Free Cash
Skid Steer (2 nd of 2 payments)	DPW	\$26,100	Free Cash
35,000 G.V.W. Hook-lift Water, Sander, & Plow Truck (1 st of 2 payments)	DPW	\$50,000	Free Cash
INET Equipment	Information Systems	\$22,602	Free Cash
Office for Town Nurse	Selectmen	\$10,000	Free Cash

and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases.

ARTICLE 8

The Finance Commission recommended and the Town voted unanimously to transfer from available funds the sum of One Hundred Thirty-Three Thousand Dollars (\$133,000) for the following capital improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Scada – Computer Monitoring System	Sewer	\$75,000	Sewer Retained Earnings
Truck Chasis for Sewer Jet	Sewer	\$58,000	Sewer Retained Earnings

and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases or projects.

ARTICLE 9

The Finance Commission recommended and the Town voted to transfer from available funds the sum of Two Hundred Six Thousand Dollars (\$206,000) for the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Technology	School	\$38,200	Free Cash
Furnishings & Equipment	School	\$3,500	Free Cash
Repair and Modernization	School	\$51,000	Free Cash
Copiers	School	\$87,300	Free Cash
Custodial Equipment/Vehicles	School	\$26,000	Free Cash

and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases.

ARTICLE 10

The Finance Commission recommended and the Town voted unanimously to transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Department	Amount	Funding Source
Stabilization Fund	\$25,000	Free Cash

ARTICLE 11

The Finance Commission recommended and the Town voted unanimously to authorize the Board of Selectmen to apply for and accept state funds to be received as reimbursement for road improvements and deposit said funds into the Town's road improvement account to be used as reimbursement for expenditures made or to continue the Town's road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for the expenditure of any funds allotted or to be allotted by the Commonwealth for the improvement of Chapter 90 and other public roads within the Town of Westwood and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said program.

ARTICLE 12

The Finance Commission recommended and the Town voted unanimously to amend the Senior Property Tax Work-off Program by deleting therefrom the phrase "25 seniors" appearing in the second sentence of

the first paragraph and substituting therefor the phrase “50 seniors”, so that the amended sentence shall read “The program will abate the amount of \$500.00 to 50 seniors.”.

ARTICLE 13

The Finance Commission recommended and the Town voted in favor of Indefinite Postponement of this Article.

(To see if the Town will vote to authorize the Board of Selectman to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled.

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT A SINGLE LICENSE FOR THE SALE OF ALL ALCOHOL BEVERAGES AND OR WINES AND MALT BEVERAGES TO BE DRUNK OFF THE PREMISES PURSUANT TO SECTION 15 OF SAID CHAPTER 138.

SECTION 1. Notwithstanding the provisions of any general or specific law to the contrary, the licensing authority of the Town of Westwood may issue one Package store, license for the sale of all Alcohol Beverages, or Wines and Malt Only Beverages pursuant to Section 15 of said Chapter 138.

SECTION 2. **This act shall take effect upon its passage.)**

ARTICLE 14

The Finance Commission recommended and the Town voted unanimously, pursuant to Massachusetts General Laws, Chapter 40, §15A, to transfer to the Board of Selectmen the care, custody and control of a certain parcel of land with the buildings thereon now under the care, custody and control of the School Committee, said parcel being shown as Parcel “A” on a certain plan entitled “Plan of Land, showing proposed change in use/care/custody Colburn & Deerfield School, Westwood, Massachusetts , March 11, 2004, Town of Westwood Engineering, C.J. Balduf, P.L.S. P.E., Assistant Town Engineer.

ARTICLE 15

The Finance Commission recommended and the Town voted unanimously in favor of Indefinite Postponement of this Article as there were no streets being proposed for acceptance.

ARTICLE 16

The Finance Commission recommended and the Town voted 318 YES to 39 NO to raise and appropriate the sum of Six Hundred Thousand Dollars (\$600,000) for the purpose of purchasing the parcel with the buildings thereon known as the Islington Community Church, 288 Washington Street, (Assessor’s Map 23 Lot 189); and to raise this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Thousand Dollars (\$600,000) under and pursuant to Chapter 44, Section 7(3) of the General Laws, as amended and supplemented, or any other

enabling authority, and to issue bonds or notes of the Town therefor; and further recommends that the Board of Selectmen is authorized to apply for and accept any State, Federal, or other grant or assistance that may be available for such projects.

ARTICLE 17

This article was amended on the floor to include Clapboardtree Street and to change the amount to be borrowed to \$750,000. The amendment was approved 176 YES to 50 NO, after which the Town voted by a two-thirds vote declared by the Moderator to raise and appropriate the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) for the purpose of engineering and construction of wastewater mains on the following streets:

Clapboardtree Street
Waldo Way
Pond Street

and to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) from time to time under and pursuant to Chapter 44, Section 7(1) of the General Laws or any other enabling authority; and to issue bonds or notes of the Town therefor, and that the Board of Sewer Commissioners is hereby authorized to apply for and accept any grants or loans which may become available from the MWRA, state, or federal agencies, and to use funds received for infiltration and inflow that may be available for the foregoing purpose.

ARTICLE 18

The Finance Commission recommended and the Town voted unanimously to authorize the Board of Selectmen to acquire or take by eminent domain an easement across a privately owned parcel of land in order to provide access and egress to and from the Islington public parking lot.

ARTICLE 19

The Finance Commission recommended and the Town voted unanimously, pursuant to Chapter 82 of the Massachusetts General Laws, to abandon a certain portion of Canton Terrace bounded and described as follows:

A certain parcel of land situated on the northwesterly side of Canton Terrace (formerly Canton Street) in the Town of Westwood, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the westerly line of Canton Terrace in the Town of Westwood, Commonwealth of Massachusetts, marked by a granite bound with drill hole: thence Westwood, said point bearing S39°35'10"E a distance of sixty-seven and seventeen hundredths feet (67.17) and S07°04'48"W a distance of twenty-five and seventy hundredths feet (25.70) from a point on the sideline of the 1954 Town Layout by the

S07°52'15"W a distance of one hundred twenty-eight and seventy-nine hundredths feet (128.79) to a point; thence

S44°11'43"E a distance of twenty-nine and ninety-four hundredths feet (29.94) to a point; thence
N01°14'38"E a distance of one hundred forty-nine and eight hundredths feet (149.08) to the point of
beginning; the previous course bounding on land of Brian T. Kelly and Ann F. Morrissey.

The above described parcel of land contains an area of 1,520 square feet, more or less, and is more particularly shown as "Proposed Discontinuance" on a plan entitled "Plan of Land in Westwood, Massachusetts Showing Proposed Relocation and Discontinuance of a Portion of Canton Terrace, February 27, 2004, Scale: 1"= 40', Town of Westwood DPW/Engineering. C.J. Balduf, P.L.S., P.E. Asst. Town Engineer." To be recorded herewith.

ARTICLE 20

The Finance Commission recommended and the Town voted unanimously to appropriate the sum of Thirty-Nine Thousand Dollars (\$39,000) for the purpose of membership fees in the Norfolk County Regional Fire Rescue Dispatch Center upon the approval of membership in said Dispatch Center by the Board of Selectmen; and to meet said appropriation, transfer the sum of Thirty-Nine Thousand Dollars (\$39,000) from ambulance receipts.

The Planning Board reported verbally on all zoning articles.

ARTICLE 21

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw, Section 2.0 DEFINITIONS by 1) deleting the definitions of "Major Residential Development", "Special Permit Granting Authority" and "Wireless Communications Facility" in their entireties and 2) by adding and/or revising the following definitions and redesignating others to maintain appropriate alphabetical order, or take any other action in relation thereto:

Building Coverage The horizontal area measured within the outside of the exterior walls of the ground floor for all principal and accessory buildings and structures on a lot, exclusive of cornices, eaves, gutters, chimneys, steps, bay windows, balconies and terraces.

Building Envelope The three-dimensional space within which a building or structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height and bulk, by other regulations and/or a combination thereof.

Coordinated Unit An association of dwelling unit owners or a management company operating and maintaining a residential facility as a common entity.

Driveway An open space, which may be paved, located on a lot, built for vehicular access to a garage or off-street parking or loading space.

Family Day Care, Large A private dwelling which receives for temporary custody up to ten (10) children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care as defined in M.G.L. Chapter 28A.

Family Day Care, Small A private dwelling which receives for temporary custody up to six (6) children, including participating children living in the residence, provided said dwelling and day care provider have

received a license from the Commonwealth of Massachusetts to provide family day care as defined in M.G.L. Chapter 28A.

Garage, Private Any building or portion of a building, located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing or repair of such vehicles is provided thereon.

Lot Line, Front Any lot line coinciding with a street line is a front lot line regardless of the orientation of any principal or accessory building or structure on the lot.

Lot Line, Side Any lot line adjoining a front lot line is defined herein as a side lot line. In the case of a corner lot, one side lot line shall be designated a rear yard line for purposes of determining setback requirements. It may be any side lot line provided that a front lot line opposite it has sufficient frontage to meet the minimum lot frontage requirements pursuant to Section 5.2, Table of Dimensional Requirements.

Nonconforming Use A use of a building, structure or land not in conformance with one or more provisions of this Bylaw which was lawfully in existence or was lawfully begun before the first publication of notice of the public hearing concerning amendment of a zoning provision that would render the use not in compliance, but not including a nonconforming use resulting from a variance or other relief granted by the Board of Appeals or Planning Board.

Nonconforming Structure A structure not in conformance with one or more provisions of this Bylaw which was lawfully in existence or was lawfully begun before the first publication of notice of the public hearing concerning amendment of a zoning provision that would render the structure not in compliance, but not including a nonconforming structure resulting from a variance or other relief granted by the Board of Appeals or Planning Board.

Parking Garage A structure, or a portion of a structure, which use is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

Premises A lot together with all structures, buildings and uses thereon.

Recreational Vehicle A vehicle or vehicular attachment which is designed for sleeping or living quarters for one or more persons, with or without utilities, flush toilets or bath facilities, is used for recreational purposes, is not a residence and includes among other terms, a travel trailer, a pick-up camper, a tent trailer, a boat, a boat trailer and a motor home.

Setback The minimum horizontal distance from the lot line to the nearest point of a building or structure.

Story The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third (1/3) of the area of the floor immediately below, it shall be deemed to be a story. A basement, as defined in the Massachusetts State Building Code, shall be deemed to be a story when its ceiling is six (6) feet or more above the finished grade. A cellar, as defined in the Massachusetts State Building Code, shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

Street Line A lot line between a street and a lot.

Club or Lodge, Private Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising or commercial activities except as may be required generally for the membership and purposes of such organization.

Commercial Recreation, Indoor A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Commercial indoor recreation shall include the following places of assembly: theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios or other commercial recreational centers conducted for or not for profit.

Inoperable Vehicle Any vehicle lacking a valid registration or inspection decal or which is, and for the immediately preceding thirty-one (31) days, has been wholly or partially dismantled, whether or not it has said registration or inspection decal.

ARTICLE 22

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 3. TYPES OF DISTRICTS; Section 4. LOCATION OF DISTRICTS; and Section 19. DISTRICT BOUNDARIES in their entireties and substitute the following therefore:

SECTION 3.0 DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Bylaw, the Town of Westwood is hereby divided into the following types of districts:

3.1.1 Residential Districts:

- Single Residence A District (SRA)
- Single Residence B District (SRB)
- Single Residence C District (SRC)
- Single Residence D District (SRD)
- Single Residence E District (SRE)
- Special Residence District (SR)
- General Residence District (GR)

3.1.2 Nonresidential Districts:

- Local Business District A (LBA)
- Local Business District B (LBB)
- Administrative-Research-Office District (ARO)
- Highway Business District (HB)
- Industrial District (I)

3.1.3 Overlay Districts:

Adult Uses Overlay District (AUOD)
Flood Area Overlay District (FAOD)
Water Resource Protection Overlay District (WRPOD)
Wireless Communications Overlay District (WCOD)

3.2 PURPOSES OF NONRESIDENTIAL DISTRICTS

- 3.2.1 **Local Business.** LBA and LBB Districts are intended as locations for businesses to serve the Town or nearby residential neighborhoods with convenience goods and services, managed so as to reflect proximity to residential environs.
- 3.2.2 **Administrative-Research-Office.** ARO Districts are intended as locations for businesses engaged in administrative, research and office activities or other uses which may have unusual requirements for space, light and air and which are clean and quiet and not detrimental to the residential use of adjacent property.
- 3.2.3 **Highway Business.** HB Districts are intended as locations for businesses to serve a larger market area from locations which abut or have access to major highways.
- 3.2.4 **Industrial.** I Districts are intended as locations for businesses engaged in office, manufacturing and distribution activities, with direct on-premises service to the general public only as a secondary intent.

3.3 LOCATION OF DISTRICTS

All districts referred to in this Section are located as shown on a map (the “Zoning Map”) filed with the Town Clerk, entitled “Town of Westwood, Massachusetts Zoning Map”, dated June 1, 2004, and said Map, together with all explanatory matter thereon, shall be deemed to be part of this Zoning Bylaw.

3.4 DISTRICT BOUNDARIES

The location of the boundary lines between the zoning districts shown on the Zoning Map shall be determined as follows:

- 3.4.1 Where a boundary is shown approximately on the location of a property or lot line and the exact location of said property or lot line is not indicated by means of a figure or otherwise, then the property or lot line shall constitute the district boundary line.
- 3.4.2 Where a boundary is shown upon a street, railroad or utility transmission line, the boundary shall be the center line thereof, unless otherwise indicated.
- 3.4.3 Where a boundary is shown outside a street, railroad or utility transmission line approximately parallel thereto, it shall be taken as parallel to the center line thereof.
- 3.4.4 In any case not covered by the other provisions of this Section, the location of a district boundary shall be determined by the distance in feet, if given, from other lines or points shown on the Zoning Map or, if distances are not given, by the scale of the Map.

- 3.4.5 Wherever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Building Inspector.

3.5 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot laid out and duly recorded prior to the effective date of the establishment of such boundary, the regulations applying to the less restricted district may be considered as exceeding not more than fifty (50) feet into the portion of the lot in the more restricted district, but only if the lot has frontage on a street in the less restricted district.

ARTICLE 23

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 9A. ADULT USES DISTRICT; Section 12A. FLOOD AREA PROVISIONS; Section 12B. WATER RESOURCE PROTECTION DISTRICT; and Section 9B. WIRELESS COMMUNICATIONS DISTRICT in their entireties and substitute the following therefore:

SECTION 9.0 OVERLAY DISTRICTS

9.1 ADULT USES OVERLAY DISTRICT (AUOD)

- 9.1.1 **Purpose.** It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that adult entertainment uses are distinguishable from other business uses and that the location of adult entertainment uses degrade the quality of life in the areas of the community where they are located, with impacts including increased levels of crime, blight and late hours of operation resulting in noise and traffic late into the night. Therefore this Bylaw is enacted pursuant to M.G.L. Chapter 40A, Section 9 and Section 9A to serve compelling Town interests by regulating and limiting the location of adult entertainment enterprises as defined herein. The regulation of the Adult Uses Overlay District (AUOD) is to provide detailed review of the location, design and operation of Adult Uses to minimize any adverse impacts on the character of the Town and nearby properties and preserve the quality of its neighborhoods, commercial district and the quality of life through effective land use planning.
- 9.1.2 **Location.** The AUOD is herein established as an overlay district. The AUOD shall include the area as shown on the Zoning Map, located east of University Avenue, between Yale Street and Rosemont Road. The AUOD is located on the following parcels as shown on the Westwood Board of Assessors Map 38, Lots 3, 4, 5, 9 and 14, as of May 5, 1997.
- 9.1.3 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the AUOD may be used for any purpose permitted as of right or by special permit in the underlying district.
- 9.1.4 **Special Permit Uses.** Adult Uses may be authorized in the AUOD by special permit from the Board of Appeals subject to the following requirements and conditions:
- 9.1.4.1 Except as permitted herein, Adult Uses may not be located within five hundred (500) feet of any Single, General or Special Residence District, except as separated by a limited access highway, which is part of the interstate highway

system, or an active railroad right-of-way with no at-grade vehicular crossing accessing said Districts or within five hundred (500) feet of any church, school, park, playfield or any establishment licensed under the provisions of M.G.L. Chapter 138, Section 12, or any establishment with a common victualler license that allows consumption of alcoholic beverages on its premises. The distances specified above shall be measured by the minimum horizontal distance from the lot line of the premises of any of the uses and/or zoning districts set forth herein to the lot line of the premises of the Adult Use.

- 9.1.4.2 Appearance of buildings for Adult Uses shall be consistent with the appearance of buildings in similar (but not specifically 'adult') use in the Town, not employing unusual color or building design which would attract attention to the premises.
- 9.1.4.3 Special permits shall be granted for Adult Uses only upon determination by the Board of Appeals that the location and design of the facility is in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not involve minors in any way.
- 9.1.4.4 A special permit granted for an Adult Use shall be subject to annual renewal.

9.2 FLOOD AREA OVERLAY DISTRICT (FAOD)

- 9.2.1 **Purpose.** The purpose of the Flood Area Overlay District (FAOD) is to reduce flood losses, to preserve and maintain the ground water table, to protect the public health and safety of persons and property against hazards of flood water inundation and to limit and control the development of flood prone areas.
- 9.2.2 **Location.** The FAOD is herein established as an overlay district. The FAOD shall include all Special Flood Hazard Areas, designated as Zone AE as set forth on the Flood Insurance Rate Map, effective as of June 17, 2002, on file with the Town Clerk, Planning Board, Board of Health and Building Inspector. Said Map, together with the index and all explanatory matters thereon, shall be deemed to be part of this Bylaw. The 100-year flood level is indicated on said Index and Map as a Base Flood (100-year) Elevation Line.
- 9.2.3 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the FAOD may be used for any purpose permitted as of right or by special permit in the underlying district.
- 9.2.4 **Construction Standards.** The following construction standards shall apply within the FAOD:
 - 9.2.4.1 New construction or substantial improvement of residential structures within a Special Flood Hazard Area shall have the lowest floor (including basement) elevated to or above the 100-year flood level as shown on the Flood Insurance Rate Map. Nonresidential structures within Special Flood Hazard Areas shall either be similarly elevated or, together with attendant utility and sanitary facilities, be watertight floodproofed to or above the 100-year flood level. Substantial improvement shall include any repair, construction or alteration

costing fifty percent (50%) or more of the actual cash value of the structure before improvement or, if damaged, before damage occurred.

9.2.4.2 Where watertight floodproofing of a structure is permitted, a Registered Professional Engineer or Registered Professional Architect shall certify to the Building Inspector that the methods used are adequate to withstand the flood depths, pressures and velocities, impact and uplift forces and other factors associated with the 100-year flood level. In all events, construction shall conform with the minimum standards of the Massachusetts State Building Code. The Building Inspector shall obtain and maintain records of elevation and floodproofing for new construction or substantial improvements to existing sites and these certificates shall be maintained for a permanent record by the Building Inspector.

9.2.5 **Exemption by Special Permit.** The Board of Appeals may by special permit exempt from the requirements of this Section any structures within the FAOD which would be functionally impaired by such measures, which would require waterside location and which are not used for sustained human occupancy; provided that the Board of Appeals finds that such structures do not substantially derogate from the purposes herein.

9.2.5.1 No special permit for any use, including land fill, shall be granted by the Board of Appeals in the FAOD unless the Board finds that the proposed use, when combined with all other uses and anticipated uses, will not increase the water surface elevation of the 100-year flood level more than one (1) foot at any point.

9.3 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)

9.3.1 **Purpose.** The purpose of the Water Resource Protection Overlay District (WRPOD) is to protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town and to protect public health by preventing excessive degradation of the Town's water resources.

9.3.2 **Location.** The WRPOD is herein established as an overlay district. The WRPOD shall include the areas as shown on the Zoning Map, around White Lodge Wells 1, 2, 3 and 4; Rockmeadow Well; and Buckmaster Pond.

9.3.3 **Definition.** For purposes of this Section, 'dispose' shall be construed consistently with 'disposal' as that term is defined in 310 CMR 30.010; that is, to be on-site disposal, whether planned or accidental, but not such things as are transported from the site subject to Department of Environmental Protection-approved manifests.

9.3.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the WRPOD may be used for any purpose permitted as of right or by special permit in the underlying district; provided that application for a building or occupancy permit for a nonresidential use within the WRPOD must include documentation that the proposal has been reviewed for compliance with water resource protection requirements set forth herein, and must include documented assurance that there will be compliance with any conditions to agency approvals. The following uses shall be deemed to be permitted in the WRPOD provided that they meet the hazardous material storage requirements

set forth in Subsection 9.3.7.5 herein and may also be subject to regulations as may otherwise be provided herein:

- 9.3.4.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes, but only in quantities associated with normal household use and only if otherwise allowable at that location;
- 9.3.4.2 Storage of liquid petroleum products of any kind, but only if incidental to the following:
 - 9.3.4.2.1 normal household use, ordinary maintenance, the heating of a structure and de minimis accessory uses;
 - 9.3.4.2.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
 - 9.3.4.2.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- 9.3.4.3 Facilities that generate, treat, store or dispose of hazardous waste which is subject to M.G.L. Chapter 21C and 310 CMR 30.00, but only for the following:
 - 9.3.4.3.1 very small quantity generators as defined under 310 CMR 30.00;
 - 9.3.4.3.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
 - 9.3.4.3.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
- 9.3.5 **Special Permit Uses.** The following uses may be authorized in the WRPOD by special permit from the Board of Appeals and may also be subject to regulations as may otherwise be provided herein:
 - 9.3.5.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes in quantities greater than those associated with normal household use and only if otherwise allowable at that location. The storage of hazardous materials shall meet the requirements of Subsection 9.3.7.5 and such storage and transfer safety requirements as the Board of Appeals may require.
 - 9.3.5.2 Storage of liquid petroleum products of any kind for the sole use for emergency or back-up generators only for business, professional or other office uses where the Board of Appeals determines that such generator is required by statute, rule, regulation or operational necessity and where the Board of Appeals determines that the use of alternative fuels such as propane or natural gas is not feasible for the demonstrated need. The storage of liquid petroleum shall meet the hazardous materials storage requirements set forth in Subsection 9.3.7.5 herein and such storage and transfer safety requirements as the Board of Appeals may require.

- 9.3.5.3 Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. Chapter 128, Section 64, but only in a structure with an impermeable cover and liner which the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate.
 - 9.3.5.4 Stockpiling of animal manures, but only in a structure with an impermeable cover and liner which the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate.
 - 9.3.5.5 New buildings or structures, parking areas, disposal facilities, point source discharges, or additions to any of those, which are located within four hundred (400) feet of a public water supply well, or change in use within existing buildings or structures to a use prohibited or requiring a special permit hereunder, unless the portion of such development lying within four hundred (400) feet of a public water supply well is essential to the provision of public water supply, but only upon determination by the Board of Appeals that denial of such development would result in a substantial economic loss for the property involved, and that any threat from proposed development to the integrity of water quality has been minimized.
- 9.3.6 **Prohibited Uses.** The following uses are prohibited in the WRPOD:
- 9.3.6.1 Landfills and open dumps, as defined in 310 CMR 19.006;
 - 9.3.6.2 Landfilling of sludge and septage;
 - 9.3.6.3 Automobile graveyards and junkyards, as defined in M.G.L. Chapter 140B, Section 1;
 - 9.3.6.4 Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways;
 - 9.3.6.5 Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice which has been removed from roadways located outside of the WRPOD; and
 - 9.3.6.6 Removal of soil except for excavations for the construction of building foundations, roadway construction or the installation of utility works, the removal of soil, loam, sand, gravel or any other mineral substances within four (4) feet of the historical high water level, as determined by the Board of Health, unless the substances removed are deposited on site to achieve a final grading greater than four (4) feet above the historical high water mark within forty-five (45) days of removal.
- 9.3.7 **Requirements.** The following requirements shall apply in the WRPOD:

- 9.3.7.1 **Minimum Lot Area.** The minimum lot area shall be as required in the underlying zoning district.
- 9.3.7.2 **Drainage.** All drainage shall meet the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection. The WRPOD is a “critical area” under these standards.
- 9.3.7.3 **Vegetation.** No less than twenty percent (20%) of that portion of the lot area situated within a WRPOD shall be maintained as a vegetation area. If impervious materials cover more than fifteen percent (15%) of that portion of the lot area situated within a WRPOD, all storm drainage shall be recharged on-site.
- 9.3.7.4 **Split Lots.** Where the premises are partially outside of the WRPOD, site design shall to the degree feasible locate potential pollution sources such as on-site disposal systems outside of the WRPOD.
- 9.3.7.5 **Storage of Hazardous Materials.** Liquid hazardous materials, as defined in M.G.L. Chapter 21E, and also as required herein, shall be stored in the WRPOD only if stored above ground level and on an impervious surface and either in 1) a container or above ground tank within a building, or 2) outdoors in a covered container or above ground tank. All such containers and tanks shall be located in an area that has a containment system designed and operated to hold either ten percent (10%) of the total possible storage capacity of all containers, or one hundred ten percent (110%) of the largest container’s storage capacity, whichever is greater. These storage requirements shall not apply to storage of products used for normal household use in quantities associated with normal household use. These storage requirements shall not apply to the replacement of existing tanks or systems for the dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.
- 9.3.7.6 **Public Sewer.** All uses requiring wastewater disposal shall be connected to a public sewerage system if available, and if such system is not available, any on-site disposal system shall be subject to the limitations of 310 CMR 22.21(2)(a) 5 and 6.
- 9.3.8 **Application.** Application for a special permit in a WRPOD shall include the following:
 - 9.3.8.1 The written opinion of a Registered Professional Engineer, addressed to the Board of Appeals, as to the impact of the proposed use upon the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town. This opinion shall bear the stamp and signature of the Professional Registered Engineer responsible for its preparation;
 - 9.3.8.2 Complete listing of toxic or hazardous materials which are to be:
 - 9.3.8.2.1 stored, manufactured or used on or transported over any land in the WRPOD in such a quantity that the use, spilling or discharge thereof might cause a danger to public health or safety; and/or

- 9.3.8.2.2 contained in industrial wastewater or sewage generation in excess of six (6) gallons per day per one thousand (1,000) square feet of lot area or fifteen thousand (15,000) gallons per day total. Such listing shall be accompanied by a description of measures to prevent vandalism, spills, corrosion and leakage and by a spill control plan;
- 9.3.8.3 Description of any hazardous or toxic waste to be generated;
- 9.3.8.4 Such further description of the proposed use and its operation as necessary to demonstrate that the use is not prohibited by this Section and will be in compliance with each of the requirements set forth herein;
- 9.3.8.5 Evidence of conformity with applicable requirements of the Massachusetts Department of Environmental Protection and of Town Bylaws and regulations, such as Article 17, the Hazardous Materials Bylaw;
- 9.3.8.6 Locus plan at an appropriate scale showing the boundaries of the property subject to the application in relation to the WRPOD boundaries; and
- 9.3.8.7 Site plan, if required by the Board of Appeals.
- 9.3.9 **Referral of Application to Other Boards.** Within ten (10) days after receipt of the WRPOD special permit application, the Board of Appeals shall forward a copy thereof to the Building Inspector, Dedham-Westwood Water District, Planning Board, Conservation Commission, Board of Health and Fire Chief which may, at their discretion, conduct such investigations as they deem to be appropriate and report in writing their 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 said review agencies or until thirty-five (35) days has elapsed after receipt of such application without submission of a report. If such report is not received by the Board of Appeals within said thirty-five (35) days, it shall be deemed lack of objection to the issuance of the special permit.
- 9.3.10 **Review Meetings.** The Applicant or any one of the review agencies may request that the Building Inspector schedule a meeting of said review agencies to perform a preliminary staff review of the proposed application in an effort to identify relevant issues and the regulatory framework applicable to the proposed project during the review period. Any information exchanged as part of this meeting shall be considered as advisory and shall not be binding on the part of the Applicant or Board of Appeals.
- 9.3.11 **Decision.** A special permit required pursuant to this Section shall be granted by the Board of Appeals only upon its written determination of the following:
 - 9.3.11.1 the application materials are sufficiently detailed, definite and credible to support positive findings relative to the standards of the Bylaw;
 - 9.3.11.2 the proposed use meets the standards of this Section;

- 9.3.11.3 neither during construction nor thereafter will the use have material adverse impact upon the existing or potential quality or quantity of the existing and potential groundwater supply and groundwater recharge areas in the WRPOD; and
- 9.3.11.4 proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure.
- 9.3.12 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Board of Appeals to hire consultants in connection with the review and evaluation of applications for special permits under this Section. The Board of Appeals will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

9.4 WIRELESS COMMUNICATIONS OVERLAY DISTRICT (WCOD)

- 9.4.1 **Purpose.** The purpose of the Wireless Communications Overlay District (WCOD) is to permit and regulate the use of wireless communications facilities within the Town and to encourage their location and use in a manner which minimizes negative visual and environmental impacts. It is intended that this Section be in compliance with the Federal Telecommunications Act of 1996. This Section does not apply to the construction or use of an antenna structure by a federally licensed amateur radio operator, as exempted by M.G.L. Chapter 40A, Section 3.
- 9.4.2 **Location.** The WCOD is herein established as an overlay district. The WCOD shall comprise all land within the following zoning districts:

Administrative-Research-Office (ARO)
 Highway Business (HB)
 Industrial (I)

and also the following parcels as shown on the Westwood Board of Assessors' Map, as of January 1, 1998:

Parcel 4-001 (Boston Edison easement within Hale Reservation)
 Parcel 9-065 (Dedham-Westwood Water District water towers)
 Parcel 14-046 (High Street Fire Station)
 Parcel 14-071 (Town Hall)
 Parcel 14-072 (Police Station)
 Parcel 14-079 (Colburn School)
 Parcel 14-094 (Deerfield School)
 Parcel 14-096 (St. Johns Episcopal Church)
 Parcel 14-140 (First Baptist Church)
 Parcel 16-005 (Hanlon School)
 Parcel 16-250 (First Evangelical Free Church)
 Parcel 16-238 (St. Denis Church)
 Parcel 21-044 (St. Margaret Mary Church)
 Parcel 21-047 (Thurston Middle School)
 Parcel 21-048 (Westwood High School)
 Parcel 21-050 (First Parish of Westwood United Church)
 Parcel 21-064 (First Parish of Westwood United Church)

Parcel 23-215 (Islington Fire Station)
Parcel 23-189 (Islington Community Church)
Parcel 24-135 (Downey School)
Parcel 28-077 (Sheehan School)
Parcel 28-329 (Temple Beth David)
Parcel 35-089 (Martha Jones School)
Grove Street, from the intersection of Grove Street and Country Club Road to Route 128

9.4.3 **Definition.** Wireless communications facility consists of towers, antennae, receiving or transmitting equipment of any kind, and any other equipment or structure, including access ways or landscaping, used to support wireless communications activities such as cellular telephone service, personal communications service (PCS), enhanced specialized mobile radio service, paging and any other functionally equivalent service.

9.4.3.1 Minor wireless communication facility has all operating components located within an existing building or structure and is not visible from the exterior or, if located on the outside of an existing building or structure, telecommunications tower or pole, utility tower or pole, water tower or related facility, is no more than ten (10) feet in height.

9.4.3.2 Major wireless communications facility is one not meeting the limitations specified for a Minor wireless communications facility.

9.4.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the WCOD may be used for any purpose permitted as of right or by special permit in the underlying district. Wireless communication facilities, whether Major or Minor, shall not be permitted outside the boundaries of the WCOD.

9.4.5 **Permits Required.**

9.4.5.1 Minor wireless communications facilities to be located entirely within the interior of an existing building or structure, not visible from the exterior, and not involving a change to the exterior size or appearance of the building or structure, shall be a permitted use in the WCOD provided that the wireless communications facility receives a building permit from the Building Inspector.

9.4.5.2 Minor wireless communications facilities to be located on the exterior of an existing building or structure, such as a communications tower or pole, utility transmission tower or pole, water tower or related facility, shall be a permitted use in the WCOD provided that the wireless communications facility is no more than ten (10) feet in height, adds no more than ten (10) feet in height to the building or structure, and receives approval pursuant to Section 7.3, Environmental Impact and Design Review Approval.

9.4.5.3 Major wireless communications facilities in the WCOD shall require a special permit from the Planning Board in compliance with the provisions pursuant to this Section.

- 9.4.6 **Application.** Application for a permit in a WCOD shall include the following, except to the extent waived by the Planning Board:
- 9.4.6.1 Locus map at a scale of 1":200' which shall show all streets, landscape features, dwellings units and all other structures within five hundred (500) feet of the proposed wireless communications facility.
 - 9.4.6.2 Site plan prepared by a Registered Professional Engineer at a scale of 1":40' which shall show the following information:
 - 9.4.6.2.1 Location, size and height of the wireless communications facility, including the location, size and height of all accessory structures and equipment;
 - 9.4.6.2.2 Property boundaries of the site;
 - 9.4.6.2.3 Topographical site information, including existing and proposed elevations;
 - 9.4.6.2.4 Fencing, landscaping, lighting and signage;
 - 9.4.6.2.5 Areas to be cleared of vegetation and trees;
 - 9.4.6.2.6 Location and identification of all existing buildings, structures and uses of land located on the site; and
 - 9.4.6.2.7 Location and identification of all existing buildings, structures and uses of land located within five hundred (500) feet of the property boundaries of the site.
 - 9.4.6.3 Profile or elevation drawings to illustrate the view lines from the wireless communication facility to all nearby residences and public areas.
 - 9.4.6.4 Color photograph or computerized rendition of the wireless communication facility and its components and accessory structures. For a Major wireless communication facility, a rendition shall also be prepared to illustrate the view lines from all neighboring streets.
 - 9.4.6.5 Description of the wireless communications facility and the technical, economic and other reasons for the proposed location, height and design.
 - 9.4.6.6 Visual representation of the area of solid Radiofrequency Radiation (RFR) coverage and the area of marginal RFR coverage of the wireless communications facility.
 - 9.4.6.7 Confirmation that the wireless communication facility complies with all applicable federal and state standards, regulations, statutes and other requirements. This shall include, if applicable, a written statement that the wireless communications facility is in compliance with, or is exempt from, applicable regulations administered by the Federal Aviation Administration

(FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

9.4.6.8 For a Major wireless communications facility, a description of its capacity, including the number and type of panels, antennae and/or transmitter receivers that it can accommodate and the basis for these calculations.

9.4.6.9 Documentation that the Applicant has the legal right to install and use the wireless communications facility.

9.4.6.10 After the submittal of an application, the Planning Board may require that the Applicant perform a “balloon test” or other test in the field sufficient to illustrate the proposed height and location of the wireless communications facility in relation to the surrounding area.

9.4.7 **Development Standards.**

9.4.7.1 An Applicant proposing a wireless communications facility must demonstrate to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal. The Applicant must also demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.

9.4.7.2 To the extent possible, wireless communications facilities shall be located on existing buildings or structures, including, but not limited to, buildings, telecommunications facilities, utility transmission towers, fire towers, water towers and related facilities, provided that such installation preserves the character and integrity of these structures. The Applicant shall have the burden of documenting that there are no feasible existing structures upon which to locate.

9.4.7.3 Co-location of wireless communications facilities is encouraged. The Applicant shall demonstrate to the satisfaction of the Planning Board that a good faith effort has been made to co-locate on an existing structure or on an existing Major or Minor wireless communications facility.

9.4.7.4 Major wireless communication facilities shall be designed and constructed to accommodate the maximum number of wireless communication uses technologically practical.

9.4.7.5 All antennae shall be single unit cross-polar antennae.

9.4.7.6 The highest point of an antennae support structure or any component thereof or attachment thereto shall not exceed one hundred (100) feet above ground level. Antennae support structures shall be buildings, wooden poles or guyed lattice towers, or where appropriate to the surrounding area, monopoles disguised as flag poles or trees. The sides of any Major wireless communications facility shall be no more than three (3) feet at their widest point.

- 9.4.7.7 Wireless communications facilities shall not be lighted unless required by the Federal Aviation Administration (FAA), or unless after consultation with the Police and Fire Chiefs, the Planning Board requires such lighting for public safety reasons.
- 9.4.7.8 Signs posted for advertisement or any other reasons shall not be allowed on or in the vicinity of a Major wireless communication facility, with the exception of one (1) sign not exceeding four (4) square feet in area at the facility which shall display the name and telephone number of the person and company responsible for the maintenance of the facility. The signage shall also display a 'No Trespassing' warning.
- 9.4.7.9 Fencing shall be provided to control access to the base of a Major wireless communications facility. The fencing shall be compatible with the scenic character of the Town and shall not consist of barbed wire or razor wire.
- 9.4.8 **Discontinuance of Use.** A wireless communications facility, and all accessory equipment, shall be removed within six (6) months of abandonment or discontinuation of use. As a condition of any special permit for the placement, construction or modification of a Major wireless communications facility, the Applicant shall provide a bond, in a form acceptable to the Town, or shall place into escrow a sum of money sufficient to cover the costs of removing the facility from the subject property and said funds shall be held by an independent escrow agent to be appointed by the Applicant and the Planning Board. The amount of the surety shall be certified by a Registered Professional Engineer or Registered Professional Architect. The Applicant shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.
- 9.4.9 **Time Limitation.** A special permit issued for a Major wireless communications facility over fifty (50) feet in height shall be valid for a period of five (5) years. At the end of this time period, the Major wireless communications facility shall be removed by the Applicant unless the Applicant receives approval from the Planning Board to renew the special permit for an additional five (5) years.

ARTICLE 24

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 13. HEIGHT REGULATIONS; Section 14. LOT SIZE REGULATIONS (a) through (f); Section 15. LOT COVERAGE, CORNER CLEARANCE AND ROAD PLACEMENT; and Section 16. SETBACK AND YARD REQUIREMENTS in their entirety and substitute the following therefor:

SECTION 5.0 DIMENSIONAL REQUIREMENTS

5.1 GENERAL

In all Districts, no building or structure, except a one-story accessory building or structure of accessory use, shall be constructed on a lot unless said building or structure and lot are in conformance with the "Dimensional Requirements" specified in the table of Dimensional Requirements set forth herein for the district in which said building or structure and lot are

located and no more than one building or structure constructed as a dwelling, or so used, shall be located on each such lot except as may otherwise be provided herein. In all Districts, no building or structure (except for a flag, utility or light pole) or swimming pool shall be constructed so as to be nearer to the street line or nearer to the side lines or rear line of its lot unless its location is in conformance with said Table. Nothing herein shall prevent the projection of eaves, chimneys or cornices not exceeding eighteen (18) inches in width, or of uncovered steps, window sills or belt courses into any minimum setback distances or other open space.

5.2 TABLE OF DIMENSIONAL REQUIREMENTS¹

DISTRICTS		DIMENSIONAL REQUIREMENTS								
		Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area ² (sq ft)	Minimum ^F ront Setback ³ (feet)	Minimum Side Yard Setback ⁴ (feet)	Minimum Rear Yard Setback ⁴ (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
5.2.1	SRA	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.2	SRB	20,000	90	90	15,000	25	15 ⁵	30 ⁶	25	50
5.2.3	SRC	40,000	125	125	30,000	40	20 ⁷	30 ⁸	25	50
5.2.4	SRD	15,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.5	SRE	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.6	GR	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.7	SR	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.8	LBA	4,000	40	40	4,000	40	15 ⁹	15	25	80
5.2.9	LBB	4,000	40	40	4,000	25	15 ⁹	15	25	80
5.2.10	HB	10,000	100	100	10,000	50	15	15	50	80
5.2.11	I	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.12	ARO	80,000	175	175	60,000	50	30 ¹²	30	30	50

5.3 NOTES FOR TABLE OF DIMENSIONAL REQUIREMENTS

- 1 Shall not apply to sewage pumping stations operated by the Town.
- 2 The term “Nonwetland Area” shall mean land other than the fresh water wetland as that term is defined in M.G.L. Chapter 131, Section 40. The Minimum Nonwetland Area shall be measured in contiguous square feet. The Minimum Nonwetland Area requirement of 12,000 square feet in all Residential Districts shall apply to all lots created prior to the date of adoption of this provision. M.G.L. Chapter 40A, Section 6 may also limit the requirements for certain other lots.
- 3 The minimum front setback distance shall be measured from the nearest street line; provided, however, that where the street has a right-of-way width of less than forty (40) feet, the setback distance shall be measured from a line on the lot twenty (20) feet from and parallel to the center line of said street.
- 4 The minimum side yard and rear yard setbacks shall be the minimum horizontal distance from the lot line to the nearest point of a building or structure.
- 5 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall extend no closer than ten (10) feet of the side lines of its lot, and an accessory building or structure having a height of less than fifteen (15) feet and a setback of at least seventy-five (75) feet shall be no closer than three (3) feet of the side lines of its lot.
- 6 Except that an accessory building or structure having a height of less than fifteen (15) feet shall be no closer than three (3) feet of the rear line of its lot.
- 7 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall extend no closer than fifteen (15) feet of the side lines of its lot, and any accessory building or structure having a height of less than fifteen (15) feet and a setback of at least one hundred (100) feet shall be no closer than six (6) feet of the side lines of its lot.
- 8 Except that an accessory building or structure having a height of less than fifteen (15) feet shall be no closer than six (6) feet of the rear line of its lot.
- 9 Unless the wall facing a side lot line is either a party wall or, if adjoining another lot in the same district, a wall with its outer face coincident with such line. The space between buildings or structures, if any, shall not be reduced to less than fifteen (15) feet.
- 10 Except that if the side yard abuts a railroad right-of-way, there shall be no minimum side yard setback.
- 11 Except that if the rear yard abuts a railroad right-of-way, there shall be no minimum rear yard setback.
- 12 Each side yard setback shall be increased by one (1) foot for each foot that the height of the building exceeds fifteen (15) feet; provided always that the side yards shall total not less than forty (40) percent of the lot width.

5.4 HEIGHT REGULATIONS

- 5.4.1 **Building/Structure Heights.** In all Districts, no building or structure shall be constructed so as to exceed in height the “Maximum Height” specified in the following table for the district in which said building is located.

	DISTRICT	MAXIMUM HEIGHT
5.4.1.1	Single Residence, General Residence	Twenty-five (25) feet plus one (1) foot for each additional foot by which: (i) the setback exceeds the minimum front setback distance, or (ii) the narrower side yard exceeds the minimum side yard setback distance, or (iii) the rear yard exceeds the minimum rear yard setback distance, whichever of the three additional distances is the smallest; provided, however, the height shall not in any case exceed thirty-five (35) feet.
5.4.1.2	Local Business A and B	Thirty-six (36) feet.
5.4.1.3	Industrial	Forty-two (42) feet and a maximum of three (3) stories unless a special permit authorizing a greater height is granted by the Planning Board; provided, however, that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories and in no event shall any building or other structure exceeding sixty-five (65) feet in height be authorized. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings. In determining whether to grant such a special permit, the Planning Board shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw. Any additional height which is allowed in an Industrial District by special permit shall be designed to relate harmoniously to the terrain and to the use, scale and architecture of existing buildings and to mitigate the visual impacts on surrounding non-industrial uses. The project proposal shall incorporate aesthetically-conscious design which promotes environmentally compatible uses, pervious surfaces and landscaped areas in exchange for the additional building height.
5.4.1.4	Highway Business, Administrative-Research- Office (except Residential Retirement Community)	Thirty-nine (39) feet unless a special permit authorizing a greater height is granted by the Board of Appeals; provided, however, that in no event shall any building or other structure exceeding forty-five (45) feet in height be authorized. In determining whether to grant such a special permit,

	the Board of Appeals shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw.
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- 5.4.2 **Height Determination and Exceptions.** In all Districts, the height of a building or structure shall be measured as set forth in the Massachusetts State Building Code, except that in Residential Districts, the height of a building or other structure shall be measured from the highest finished ground elevation adjoining the structure at the exterior walls. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennae and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are not used in any way for human occupancy.

5.5 SPECIAL DIMENSIONAL REGULATIONS

- 5.5.1 **Exception for Existing Lots.** Any increase in area, frontage, width and yard requirements of this Bylaw shall not apply to a lot for single-family and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage. The provisions of this Subsection shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the Zoning Bylaw in effect.
- 5.5.2 **Plan Freeze.** If a definitive plan, or a preliminary plan, followed within seven (7) months by a definitive plan is submitted to the Planning Board for approval under the Subdivision Control Law, and written notice of such submission has been given to the Town Clerk before the effective date of the Bylaw, the land shown on such plan shall be governed by the applicable provisions of the Bylaw, if any, in effect at the time of the first such submission while such plan or plans are being processed under the Subdivision Control Law, and, if such definitive plan or an amendment thereof is finally approved, for eight (8) years from the date of the endorsement of such approval.
- 5.5.3 **Reduction of Occupied Lots.** No lot on which a building or structure is located in any district shall be reduced or changed in size or shape so that the building or structure or lot fails to comply with the lot area, frontage, coverage, setback, yard or other provisions of this Bylaw applicable to the construction of said building or structure on said lot. This prohibition shall not apply when a portion of the lot is taken or conveyed for a public purpose. This Subsection shall not apply to a sewage pumping station operated by the Town.
- 5.5.4 **Corner Clearance.** No building or structure shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines which are twenty-five (25) feet from their point of intersection (or, in the case of a rounded corner, from the point of intersection of their tangents), and no other building or structure, no tree, shrub or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility around the corner.
- 5.5.5 **Uses within Setbacks.** No open storage or display of goods, products, materials or equipment, including motor vehicles, gasoline pumps, vending machines or similar commercial devices shall be located nearer than fifteen (15) feet to the street line.

- 5.5.6 **Creation of Ways.** Subject to the provisions of Section 5.5.7, no way created pursuant to the Subdivision Control Law shall be closer than forty (40) feet to any lot line of any lot situated outside the subdivision with respect to which such way is created, at any point that is farther than forty (40) feet from an existing street right-of-way. This Subsection shall not apply to ways in a proposed subdivision of any lot (separated in ownership from any adjoining lot having frontage on a street) which at the time of adoption hereof has street frontage of at least forty (40) feet but less than eighty (80) feet, and shall apply only to one side of such ways in the case of a proposed subdivision of any lot (separated in ownership as aforesaid) which at such time has street frontage of at least eighty (80) feet but less than one hundred twenty (120) feet.
- 5.5.7 **Special Permit.** The Planning Board may grant a special permit authorizing a proposed way location at variance with the provisions of Section 5.5.6 if it finds in addition to any other findings required under this Bylaw, that the issuance of a special permit
- 5.5.6.1 would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Bylaw;
 - 5.5.6.2 would reduce the environmental impacts of the proposed project;
 - 5.5.6.3 would enhance the aesthetic quality of the proposed project; and
 - 5.5.6.4 would be consistent with sound engineering practices or the interests of public safety.

ARTICLE 25

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 11. OFF-STREET PARKING IN ALL DISTRICTS; and Section 12. SPECIAL PROVISIONS IN ALL DISTRICTS in their entireties and substitute the following therefor:

SECTION 6.0 GENERAL REGULATIONS

6.1 OFF-STREET PARKING

- 6.1.1 **General.** No use or premises shall be made, authorized or extended, and no building or structure shall be erected or enlarged, unless there is provided for such use or extension, or for such building erection or enlargement, on the same lot as said use, extension, erection or enlargement, a parking area and loading and unloading spaces all with permanent surfacing (except in the case of a single residence), sufficient to serve the business conducted thereon, including provision for parking spaces for visitors, and for all persons employed in the building or in connection with said use without using adjacent streets therefor. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question. In Nonresidential Districts, no parking, loading and/or unloading area shall be so designed or located as to render necessary the backing of vehicles from such area onto a street.
- 6.1.2 **Table of Parking Requirements.** The following table of Minimum Number of Required Parking Spaces for Principal Uses sets forth minimum parking space requirements, provided,

however, that fewer parking spaces may be authorized upon the grant of a special permit by the Planning Board in compliance with the provisions of this Section.

PRINCIPAL USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
6.1.3 Residential Uses	
6.1.3.1 Single-Family Dwelling	Two (2) spaces per dwelling unit
6.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	Two (2) spaces per dwelling unit
6.1.3.3 Two-Family Dwelling per Section 8.2	Two (2) spaces per dwelling unit
6.1.3.4 Major Residential Development per Section 8.5	Two (2) spaces per dwelling unit
6.1.3.5 Senior Residential Development per Section 8.6	One and a half (1½) spaces per dwelling unit
6.1.3.6 Residential Retirement Community per Section 8.7	One and a half (1½) spaces per dwelling unit
6.1.3.7 Nursing or Convalescent Home	One (1) space per each sleeping room for double or single occupancy, or where not so divided (as in a dormitory) one (1) space for each two beds
6.1.3.8 Assisted Living Residence	One (1) space per each sleeping room for double or single occupancy, or where not so divided (as in a dormitory) one (1) space for each two beds
6.1.4 Exempt and Institutional Uses	
6.1.4.1 Use of land or structures for religious purposes	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per employee
6.1.4.3 Child Care Facility in new building	One (1) space per employee and two (2) spaces per classroom
6.1.4.4 Child Care Facility in existing building	One (1) space per employee and two (2) spaces per classroom
6.1.4.5 Use of land for the primary purpose of agriculture, horticulture or floriculture on a parcel of more than five (5) acres in area	Not applicable
6.1.4.6 Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five (5) acres in area on which the facility is located	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
6.1.4.7 Municipal Facilities	Not applicable
6.1.4.8 Essential Services	One (1) space per employee
6.1.4.9 Extension of existing cemetery	Not applicable
6.1.4.10 Public Utility	One (1) space per employee
6.1.5 Commercial Uses	
6.1.5.1 Non-Exempt Agricultural Use	Not applicable
6.1.5.2 Non-Exempt Farm Stand for wholesale or retail sale of products	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
6.1.5.3 Animal Clinic or Hospital	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
6.1.5.4 Funeral Home	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.5.5 Motel or Hotel on five (5) acres or more	One (1) space per each sleeping room for double or single occupancy
6.1.5.6 Retail sales and services, less than 8,000 square feet	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
6.1.5.7 Retail sales and services, 8,000 square feet or more	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
6.1.5.8 Motor Vehicle Sales and Rental; other open air sales 6.1.5.9 Motor Vehicle General Repairs and Body Repair 6.1.5.10 Motor Vehicle Light Service	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.5.11 Restaurant, without entertainment 6.1.5.12 Restaurant, with entertainment	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees
6.1.5.13 Fast Order Food Establishment	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.5.14 Kennel, Commercial	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
6.1.5.15 Business or Professional Services Establishment 6.1.5.16 Office of doctor or dentist not a resident on premises 6.1.5.17 Bank, Financial Institution	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

6.1.5.18 Commercial Recreation, Outdoor 6.1.5.19 Commercial Recreation, Indoor 6.1.5.20 Golf Course	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.21 Business Services Establishment 6.1.5.22 Personal Services Establishment 6.1.5.23 General Services Establishment	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
6.1.5.24 Campground, wildlife preserve, fishing grounds operated not for profit	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.25 Printing/copy/publishing establishment, less than 4,000 square feet 6.1.5.26 Printing/copy/publishing establishment, 4,000 square feet or more	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.5.27 Major Business Development per Section 7.2	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.28 Building Trade Shop in an establishment with less than 8,000 square feet 6.1.5.29 Building Trade Shop in an establishment with 8,000 square feet or more	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
6.1.5.30 Commercial laundry, dry cleaning, dye work, carpet cleaning	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.5.31 Public Communication Use	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or

	visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.6 Industrial Uses	
6.1.6.1 Earth Material Removal per Section 7.1	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.6.2 Light Manufacturing 6.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage 6.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage 6.1.6.5 Manufacturing	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.6.6 Junkyard or Automobile Graveyard	Not applicable
6.1.6.7 Research and Development 6.1.6.8 Self-Storage or Mini-Storage Facility	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.7 Other Uses	
6.1.7.1 Commercial outdoor parking	Not applicable
6.1.7.2 Parking Garage	Not applicable
6.1.7.3 Drive-Through Service	Not applicable
6.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

6.1.8 Reduction of Required Minimum Number of Parking Spaces.

- 6.1.8.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of parking spaces than would otherwise be required by this Section where it can be demonstrated by such

Applicant that the proposed use does not warrant the number of parking spaces otherwise required, provided that the number of parking spaces otherwise required by this Section could be accommodated on the site should the use, or the intensity or character of the use, of the premises ever be changed so that additional parking spaces were needed, and provided further that the continued availability for such purpose of land on the site be assured in a manner satisfactory to the Planning Board. Nothing herein shall be deemed to authorize a special permit waiving strict adherence to parking design requirements or parking space, passageway or driveway dimensional requirements.

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

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

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

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

6.1.8.3 A special permit granted pursuant to this Section shall provide for an increase in the number of parking spaces up to the minimum number otherwise required by this Section if there is a change in use or in the intensity or character of use that results in an increased parking need as determined by the Planning Board. The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.

6.1.8.4 In no event shall the total floor area of the building or structure be greater than that which would be permitted absent the grant of a special permit pursuant to this Section.

6.1.9 **Joint Off-Street Parking.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same lot or on contiguous lots all in one ownership, 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.

6.1.11 **Off-Site Municipal Parking.** Where an existing property in a Nonresidential District does not meet the minimum parking requirements for a permitted use, off-site municipally-owned parking spaces not dedicated to another use may be used to meet the minimum parking requirements, provided (a) such spaces are located within four hundred (400) feet walking distance of the building entrance to be served and (b) the Board of Selectmen or its designee documents to the Building Inspector that there is in fact sufficient capacity in the municipal lot to accommodate the excess parking required. Such off-site parking shall not be used to accommodate increased parking requirements due to new construction and/or expansion of existing buildings or structures.

- 6.1.12 **Special Provisions in Residential Districts.** Any off-street parking located in a Residential District (whether herein required or voluntarily provided) containing five (5) or more parking spaces shall be placed at least twenty-five (25) feet from all street lines and ten (10) feet from side and rear lot lines and shall, if visible at normal eye level from any point on an abutting lot (if also in a Residential District), be screened from such view pursuant to Section 6.3.6, Screening Standards.
- 6.1.13 **Storage of Inoperative Vehicles and Commercial Vehicles.** Except in the case of a lot used for municipal purposes, and except as allowed in a Nonresidential District pursuant to a permit issued at the discretion of the Board of Selectmen, no motor vehicle which is, and for the immediately preceding thirty-one (31) day period, has been dismantled or inoperative shall be stored or parked in any district, and no commercial vehicle (whether or not operative and registered) of a gross vehicle weight in excess of eight thousand five hundred (8,500) pounds or more than twenty (20) feet in length shall be stored or parked overnight in any Residential District unless such vehicle is not visible at normal eye level from any point on any abutting lot in a Residential District, or if screened from such view pursuant to Section 6.3.6, Screening Standards. None of the foregoing shall be construed to permit any parking or storage of vehicles that would otherwise be in violation of the Use Regulations set forth in Section 4.0 of this Bylaw.
- 6.1.14 **Replacement, Alteration, Enlargement or Change of Use of a Building or Structure.** The replacement, alteration, enlargement or change of use of a building or structure which results in an increased off-street parking requirement shall require the provision of additional off-street parking.
- 6.1.15 **Design of Parking Areas.** Except in the case of single residences, all parking areas shall be designed in conformity with the requirements of this Bylaw and parking regulations adopted and from time to time amended by the Planning Board.
- 6.1.16 **Parking Areas for Ten or More Parking Spaces.** The following requirements shall apply to all new parking areas containing ten (10) or more parking spaces. Existing parking areas being subjected to Section 7.3, Environmental Impact and Design Review shall conform to these provisions as far as practicable. All parking areas applicable to this Section shall be shown on a site plan which shall show the following:
- 6.1.16.1 Boundaries of the new or expanded parking area and all parking spaces, loading areas, access and egress areas;
 - 6.1.16.2 Existing topography, including any proposed grading changes;
 - 6.1.16.3 Proposed storm drainage system and calculations of storm drainage run-off to demonstrate compliance with the stormwater management standards as adopted and amended from time to time by the Massachusetts Department of Environmental Protection;
 - 6.1.16.4 Utilities, signage, outdoor storage and trash disposal areas;
 - 6.1.16.5 Existing and proposed planting, landscaping and screening; and
 - 6.1.16.6 Exterior lighting.

6.1.17 **Landscaping Design Requirements.** All parking areas applicable to this Section shall conform to the following design requirements:

- 6.1.17.1 Parking areas shall be landscaped and screened from adjacent property. Such landscaping shall comprise of a minimum of five percent (5%) of the total parking area.
- 6.1.17.2 A minimum of two percent (2%) of the interior area of surface parking areas containing thirty (30) or more parking spaces shall be landscaped. Interior plantings shall consist of a minimum of one (1) tree and four (4) shrubs for every one thousand five hundred (1,500) square feet of surface parking area. Planting areas must be at least five (5) feet in length and width and contain a minimum of thirty (30) square feet of unpaved soil area.
- 6.1.17.3 All planted trees shall have a minimum caliper size of four (4) inches. To the fullest practicable extent, existing trees shall be preserved. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area and to assure safe patterns of internal circulation.

6.1.18 **Parking Setback Requirements.**

- 6.1.18.1 There shall be no vehicle parking or loading areas within five (5) feet of any front, side or rear lot line.
- 6.1.18.2 In a Highway Business District, no parking or service areas are to be constructed or maintained within the setback distance from the fronting street; if a building fronts on two or more streets, one setback distance shall be free from parking and service areas.

6.1.19 **Edge of Parking Area.** A substantial bumper of masonry, steel, heavy timber or concrete curb shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.

6.1.20 **Handicapped Parking Spaces.** Designated parking spaces for the exclusive use of the physically handicapped shall be provided in accordance with the rules and regulations of the Architectural Access Board, as amended from time to time.

6.1.21 **Storage.** There shall be no storage of material or equipment within parking areas.

6.1.22 **Outdoor Sales.** No parking areas shall be used as an outdoor sales area.

6.1.23 **Driveways.** No access or egress point to a parking area shall be closer than one hundred fifty (150) feet to the centerline of an intersecting street. There shall be no more than a total of two (2) access and two (2) egress points to any one parking area.

6.1.24 **Entrance from Residential Streets to Nonresidential Districts.** Where a Residential District is bounded by a portion of a Nonresidential District, any side street extending through such Residential District into such Nonresidential District shall not be used, except as herein set forth for any business, commercial or other purpose not permitted as of right in such Residential District. Any nonresidential structure erected in said Nonresidential District shall face and open upon the street set aside for nonresidential purposes, except that show windows in such

nonresidential structure may be built and exposed upon said side street within the area set aside as a part of such Nonresidential District, and an entrance may be made at the corner of such nonresidential and residential streets, and all other entrances to said nonresidential structure must face on the nonresidential street, except that in a Local Business District entrances may be made from such residential street to the upper stores of such nonresidential structure.

- 6.1.25 **Loading.** Adequate off-street loading facilities and space with unimpeded access shall be provided for all new construction and for all building additions greater than one hundred (100) square feet of net floor area. Facilities shall be so sized and arranged that no trucks shall be parked on a public way while loading, unloading or waiting to do so.
- 6.1.26 **Shared Driveways.** Use of land for shared driveways is permitted in all Districts, however, a shared driveway shall not be considered to adequately provide access for parking as required by this Bylaw on any lot for which a shared driveway is proposed as the sole means of access for parking unless the Planning Board so authorizes by special permit. Authorization shall be granted only if the Planning Board determines that the arrangement improves public safety, such as by reducing the number of curb cuts on a major roadway or by avoiding a driveway at a potentially dangerous location; or serves environmental protection, such as by eliminating a wetlands crossing, and that such an arrangement will be more advantageous to the neighborhood than separate driveways; and unless the Board further finds that the use of a shared driveway does not circumvent the intent of the Subdivision Control Law. The Planning Board shall adopt and may from time to time amend rules and regulations for the administration of this Section.

6.3 ENCLOSURE, SCREENING AND BUFFERS

- 6.3.1 **Enclosure Requirements in Highway Business and Industrial Districts.** In the Highway Business District and Industrial Districts all uses permitted as of right, or authorized by special permit, and all uses accessory thereto, shall be conducted within a completely enclosed building or structure, except the following uses provided that no portion of the use conducted outside shall extend nearer to any street or lot line than the corresponding setback distance specified for buildings in the same district:

- 6.3.1.1 Uses permitted as of right in any Single Residence District;
- 6.3.1.2 The dispensing of fuel and lubricants at a motor vehicle light service station;
- 6.3.1.3 The dispensing of food, beverages or goods on premises with drive-through service; and
- 6.3.1.4 Automobile parking lots.

- 6.3.2 **Buffer Areas in Nonresidential Districts.** Where a lot in any Industrial District abuts or is within two hundred (200) feet, or in any Local or Highway Business District where a lot abuts or is within twenty (20) feet, of the boundary line of any Residential District (including any Residential District in an adjacent municipality), unless one of the Principal State Highways (as herein defined) or a railroad right-of-way lies between such lot and such Residential District, a buffer area shall be provided on all portions of said lot so abutting (or within the foregoing specified distance of such Residential District). Such buffer area shall be as follows:

- 6.3.2.1 in the Industrial Districts, at least two hundred (200) feet wide, including the width of any land held by the Westwood Conservation Commission and any part

of any public street (as hereinafter defined) located in such Industrial District and lying between such lot and Residential District; and

- 6.3.2.2 in the Local Business or Highway Business Districts, at least twenty (20) feet wide.
- 6.3.3 **Definition.** As used in this Section, “Principal State Highways” shall mean Route 128, Route 1 and Route 1A, as designated by the State Department of Public Works on March 11, 1968, and “public street” shall mean a street established and maintained under public authority, or a street plotted or laid out for ultimate public use and shown on a plan approved by the Planning Board.
- 6.3.4 **Uses within Buffer Areas.** Buffer areas, except as the same are part of a public street, shall be used only as provided herein. No building or structure, except for fences constructed in accordance herewith, shall be constructed or otherwise placed within any portion of the buffer area, whether or not used for business or industrial purposes. However, in any Industrial District the buffer area may contain driveways and sidewalks. The following distances nearest the Residential District boundary shall be used and maintained so as to preserve the natural features of the area, including trees, woods, streams and ponds, and as a planting area for lawns with trees, shrubs and other landscape materials:
- 6.3.4.1 In the Industrial Districts, one hundred twenty-five (125) feet. The remaining seventy-five (75) feet of buffer area may be used for unenclosed surface off-street parking or other permitted outdoor uses, providing such uses are screened from view at normal eye level on said Residential District boundary line.
- 6.3.4.2 In the Local Business or Highway Business Districts, twenty (20) feet. A suitable planting area shall be interpreted as requiring a substantially sight impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight impervious fence at least five (5) feet and not more than eight (8) feet in height. Notwithstanding the foregoing, the plantings within any portion of a buffer area located within eight (8) feet of a public street or any other roadway shall be such as to avoid impairment of traffic visibility.
- 6.3.5 **Uses Requiring Screening.** The following uses of land shall be screened if visible at normal eye level from any point on an abutting lot in a Residential District as set forth herein:
- 6.3.5.1 Any off-street parking facility containing five (5) or more parking spaces and located in or adjacent to a Residential District, and not contained within a structure;
- 6.3.5.2 Any commercial vehicle (whether or not operative and registered) of a gross vehicle weight in excess of eight thousand five hundred (8,500) pounds or more than twenty (20) feet in length stored or parked overnight in any Residential District;
- 6.3.5.3 Refuse disposal and dumpster areas, outdoor storage areas of goods and materials;
- 6.3.5.4 The outdoor storage of used materials, used vehicles or equipment or waste materials;

- 6.3.5.5 Except in the case of a lot used for municipal purposes, the outdoor parking or storage of two or more buses, trucks or earthmoving equipment items or similar contractor's equipment or heavy vehicles; and
- 6.3.5.6 Except in the case of a lot used for municipal purposes, the outdoor storage of solid fuel, sand, road salt, manure, fertilizer or other similar substances piled in bulk form.
- 6.3.6 **Screening Standards.**
- 6.3.6.1 Screening shall consist of fencing and/or an area of at least three (3) feet in width of densely planted shrubs or trees which are at least two (2) feet high at the time of planting and are of a type that may be expected to form within three (3) years after planting a year-round, continuous, substantially impervious visual screen.
- 6.3.6.2 Screening as required in this Section shall be located so as not to obstruct vehicle sight distances, entrances and exits. Such screening shall not exceed a height of more than two (2) feet within thirty (30) feet of an intersection or ten (10) feet of a driveway. In no case shall the screening of parking facilities from abutting streets exceed four (4) feet in height.
- 6.3.6.3 Plantings shall be of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and provide for a year-round, continuous, substantially impervious visual screen.
- 6.3.6.4 Fences shall be solidly constructed of wood, stone or brick materials. There shall be no metal or chain-link materials used.
- 6.3.6.5 Screening shall be continuously maintained to effectively serve the purpose for which it is intended. No advertising devices of any kind shall be allowed on screening.
- 6.3.6.6 Screening shall be continuous except for required access.
- 6.3.7 **Coordination with Environmental Impact and Design Review.** Any landscaping plan as may be required pursuant to Section 7.3, Environmental Impact and Design Review shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.
- 6.3.8 **Maintenance of Landscaped Areas.** All plant materials required pursuant to this Section shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and nonplant ground surface materials shall be maintained so as to control weed growth.
- 6.3.9 **Special Permit.** By the grant of a special permit, the Planning Board may waive or modify the requirements of Section 6.3.6 when in its judgment the strict application of such requirements would result in peculiar or exceptional difficulties, or exceptional and undue hardship or in a specific instance where for topographic or other reasons, fences, walls and screening as herein required could not possibly screen the activities conducted at ground level.
- 6.4 **EXTERIOR LIGHTING**

- 6.4.1 **Purpose.** The purpose of this Section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation and protect against light trespass and glare.
- 6.4.2 **Definitions.** For the purposes of this Section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 2.0 of this Bylaw.
- 6.4.2.1 Color Rendering Index (CRI) A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.
- 6.4.2.2 Fixture The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.
- 6.4.2.3 Glare Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.
- 6.4.2.4 Lamp The component of a luminaire that produces the actual light.
- 6.4.2.5 Light Trespass The shining of direct light produced by a luminaire beyond the boundaries of the lot on which it is located.
- 6.4.2.6 Lumen A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this Bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
- 6.4.2.7 Luminaire A complete lighting system, including a lamp or lamps and a fixture.
- 6.4.3 **Applicability.** Outdoor illumination by flood or spot luminaires rated at nine hundred (900) lumens or more (which is approximately equal to one 60-watt incandescent light bulb) or by any other luminaires rated at one thousand eight hundred (1800) lumens or more (which is approximately equal to one 120-watt incandescent light bulb) shall be subject to the provisions of this Section, with the following exceptions: emergency lighting; hazard warning; temporary decorative or holiday lighting; public roadway illumination or other lighting required by or installed by governmental agencies. It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.
- 6.4.3.1 The replacement of existing fixtures shall be subject to the provisions of this Section, however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.
- 6.4.3.2 The Planning Board in performing review pursuant to Section 7.3, Environmental Impact and Design Review may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in

meeting the purposes of this Section and in such cases, may modify the requirements of this Section.

6.4.4 **Exterior Lighting Plan.** Applications subject to the provisions of Section 7.3, Environmental Impact and Design Review shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said Section 7.3 does not require a lighting plan but shall meet the standards as set forth in this Section, unless as may otherwise be provided herein. The lighting plan shall include the following information:

- 6.4.4.1 location, orientation and type of outdoor luminaire, including the height of the luminaire;
- 6.4.4.2 luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
- 6.4.4.3 type of lamp such as metal halide, compact fluorescent, high pressure sodium and its associated Color Rendering Index (CRI);
- 6.4.4.4 photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the property and at the property boundaries. The plan shall also include the following illumination information in a table format: Minimum; Maximum; Average; Average to Minimum and Maximum to Minimum; and
- 6.4.4.5 evidence that any light trespass does not exceed the limitations set forth in Chart IV herein.

6.4.5 **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

6.4.6 **Wall Mounted Fixtures.** In Nonresidential Districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above grade and shall be shielded to control glare.

6.4.7 **Pole Mounted Fixtures.** Pole mounted exterior lighting fixture types are defined and restricted as follows:

- 6.4.7.1 Type A. No light cutoff.
- 6.4.7.2 Type B. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from straight down, and essentially no light is emitted above the horizontal.
- 6.4.7.3 Type C. Luminaire shielded such that total cutoff is at less than 90 degrees from straight down, and no light source is in direct view of an observer five (5) feet above the ground at any point off the premises.

6.4.8 **Pole Mounted Fixtures Height Limitation.** Illustrations of pole mounted exterior lighting fixture types are shown in Chart I herein. Pole mounted fixtures shall not exceed the applicable

pole mounted height limitation set forth in Chart II in any district. The Type A pole mounted exterior lighting fixture is prohibited in all Nonresidential Districts.

CHART I. ILLUSTRATIONS

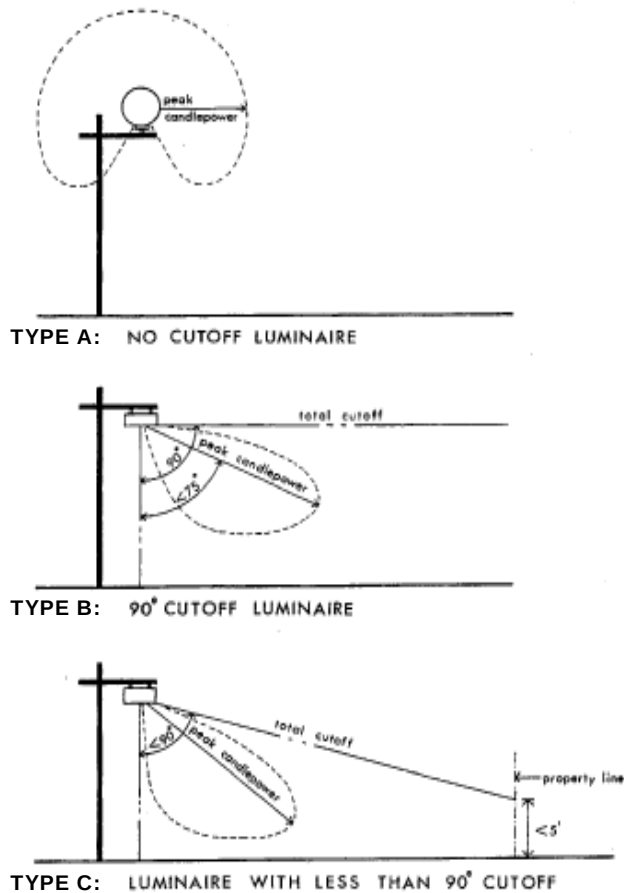


CHART II. POLE MOUNTING HEIGHT LIMITATIONS

	District	
	Residential	Nonresidential
Maximum Luminaire Mounting Height (feet above grade) "District" is that in which fixtures are located.		
Fixture Type A	10	Not allowed
Fixture Type B	15	25
Fixture Type C	20	30

- 6.4.9 **Ceiling Mounted Fixtures.** In Nonresidential Districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

- 6.4.10 **Lighting Levels.** In Nonresidential Districts, exterior lighting shall not exceed the following levels on the ground set forth in Chart III herein:

CHART III. LIGHTING LEVELS (horizontal foot-candles)

	Minimum*	Average*	Maximum*
Driveways and Parking	0.5	5.0	10.0
Under Building or Canopy	1.0	25.0	40.0
All Other Nonresidential Areas	0.5	1.0	3.0

* Applicable to the entire lighted area

- 6.4.11 **Light Trespass Limitations.** Light trespass in excess of the applicable limitation set forth in Chart IV herein is prohibited in all Districts.

CHART IV. LIGHT TRESPASS LIMITATIONS

District		
	Residential	Nonresidential
Maximum Light Trespass (horizontal foot-candles)* “District” is that into which the light trespass occurs.		
Fixture Type A	0.2	Not allowed
Fixture Type B	0.3	0.5
Fixture Type C	0.5	1.0

* Except no limit within a street right-of-way.

6.5 FLOOR AREA RATIO LIMITATION

- 6.5.1 **Basic Limitations.** In an Industrial, Highway Business or Administrative-Research-Office District the floor area ratio (FAR) resulting from new construction, renovation or addition shall not exceed 0.4 on any lot, except that the Planning Board may grant a special permit for FAR not to exceed 0.8 upon its written determination, in addition to any other findings required under this Bylaw, that it meets the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw and its off-site impacts on traffic and housing needs will be mitigated or compensated as herein provided.

- 6.5.1.1 **Traffic.** Applications for approval of an FAR exceeding 0.4 shall include a traffic impact study prepared consistent with study guidelines adopted and from time to time amended by the Planning Board. Such applications shall be approved only upon determination by the Planning Board that, based upon facilities as existing or committed to be improved by the Town or the Applicant, on no street or intersection will peak hour congestion fall below baseline traffic conditions as the result of projected traffic.

- 6.5.1.2 **Housing.** Applications for approval of an FAR exceeding 0.4 shall include a housing impact study prepared consistent with study guidelines adopted and from time to time amended by the Planning Board. Such applications shall be approved only upon determination by the Planning Board that housing mitigation efforts proposed by the Applicant will be equivalent to provision of one (1) housing unit for each twelve (12) employees anticipated on the premises, such unit to be affordable to a household spending no more than thirty percent (30%) of an income at eighty percent (80%) of the then-current Boston PMSA median household income.

6.6 NOISE

6.6.1 **Applicability.** The following noise standards, unless otherwise specifically indicated, shall apply to noise as heard at any location off the premises within a designated noise zone, except for that produced by warning devices, agricultural activity, temporary construction or maintenance work, yard maintenance, public events or other special circumstances, but specifically not excluding recurrent vehicle noise associated with fixed points, such as that of refrigerator trucks at loading areas.

6.6.2 **Noise Zones.** The following noise zones are hereby created:

NOISE ZONE A: Nonresidential Districts.

NOISE ZONE B: Locations in any Residential District, but within two hundred (200) feet of a state-numbered highway.

NOISE ZONE C: All other locations.

6.6.3 **Limitations.** No development shall be allowed which would result in the following standards being exceeded by more than twenty (20) decibels at any time, or by more than ten (10) decibels for more than ten (10) minutes in an hour, or at all for more than thirty (30) minutes in an hour, measured at any point off-site. If the generated noise has a single dominant frequency above four thousand eight hundred (4,800) cycles per second, these standards shall be reduced by five (5) decibels.

ALLOWABLE EXTERIOR NOISE LEVEL		
NOISE ZONE	7:00 AM - 9:00 PM	7:00 AM - 9:00 PM
A	65 decibels	60 decibels
B	60 decibels	55 decibels
C	55 decibels	50 decibels

ARTICLE 26

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 16B. MAJOR BUSINESS DEVELOPMENTS; Section 16A. ENVIRONMENTAL IMPACT AND DESIGN REVIEW; and Section 21. EARTH REMOVAL REGULATIONS in their entireties and substitute the following therefor:

SECTION 7.0 SPECIAL REGULATIONS

7.1 EARTH MATERIAL REMOVAL

7.1.1 **Special Permit Required.** No soil, loam, sand, gravel, stone or other earth materials shall be removed from any premises within the Town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor granted by the Board of Appeals.

- 7.1.2 **Application Requirements.** An application for a special permit for earth material removal shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Board of Appeals. The site plan shall be prepared by a Registered Land Surveyor or Registered Professional Engineer and shall include the following information:
- 7.1.2.1 existing topographical contours of the land;
 - 7.1.2.2 topographical contours as proposed after completion of the operation;
 - 7.1.2.3 proposed lateral support to all adjacent property;
 - 7.1.2.4 proposed drainage and soil erosion prevention measures; and
 - 7.1.2.5 other information necessary to indicate the complete physical characteristics of the operation.
- 7.1.3 **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, which said Board may, at its discretion, investigate the case 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 thirty-five (35) days to elapse after receipt of such application without submission of a report.
- 7.1.4 **Findings.** No special permit for removal of earth materials (including temporary structures accessory thereto), shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town. For this purpose, an operation shall be considered contrary to the best interests of the Town which:
- 7.1.4.1 will be injurious or dangerous to the public health or safety;
 - 7.1.4.2 will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
 - 7.1.4.3 will result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards;
 - 7.1.4.4 will result in transportation which will cause undue injury to the roadway surfaces;
 - 7.1.4.5 will result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted; or
 - 7.1.4.6 will have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.
- 7.1.5 **Conditions.** In granting a special permit hereunder, the Board of Appeals shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:
- 7.1.5.1 method of removal;

- 7.1.5.2 type and location of temporary structures;
 - 7.1.5.3 length and duration of time of excavation;
 - 7.1.5.4 hours of operation;
 - 7.1.5.5 policing of traffic entering and leaving site;
 - 7.1.5.6 routes for transporting the material through the Town;
 - 7.1.5.7 area and depth of excavation;
 - 7.1.5.8 distance of excavation to street and lot lines;
 - 7.1.5.9 steepness of slopes excavated;
 - 7.1.5.10 reestablishment of ground levels and grades;
 - 7.1.5.11 provisions for temporary and permanent drainage and erosion control;
 - 7.1.5.12 disposition of boulders and tree stumps;
 - 7.1.5.13 replacement of loam over the area of removal; and
 - 7.1.5.14 planting of the area to suitable cover, including trees.
- 7.1.6 **Surety and Performance Bond.** The Board of Appeals may require a surety and performance bond, cash or other adequate security to insure compliance with the terms, conditions, limitations and safeguards of such special permit and to indemnify the Town for any harm to any public well, road, wetland or other resource caused by such removal, the removal operations, the equipment used on the premises or by ancillary activities.
- 7.1.7 **Time Limit.** No special permit for removal of earth material shall be granted for a period of more than one (1) year in a Residential District or more than three (3) years in a Nonresidential District, although the special permit may be renewed for additional periods in the same manner as for the initial issuance.
- 7.1.8 **Existing Operations.** A sand or gravel pit, quarry or other removal activity in lawful operation on any premises on the effective date of this Bylaw may continue as an exempt operation unless and until abandoned, or if operating under a prior special permit issued by the Board of Appeals, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by such prior special permit or by a new special permit issued hereunder (i) the depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this Bylaw, (ii) the total area of excavation shall not be increased by more than fifty percent (50%) over its area on said date and (iii) the amount of material removed per day shall not exceed by more than fifty percent (50%) the daily average for the twelve (12) months preceding said date or the actual period of operation, if less than twelve (12) months.

7.1.9 **Other Exceptions.** The removal of earth material in any of the following operations shall be an exempt operation:

7.1.9.1 Removal of less than one hundred (100) cubic yards of material in the aggregate in any year from any one premises.

7.1.9.2 Transfer of material from one part of a premises to another part of the same premises.

7.1.9.3 Removal of material from land in use by the Town or other governmental agency.

7.1.9.4 Removal of material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk or path below finished grade.

7.1.10 **Permits in Proposed Subdivisions.** The removal of earth materials from any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of material from the premises, even though in connection with the construction of streets shown on a subdivision plan.

7.2 MAJOR BUSINESS DEVELOPMENT (MBD)

7.2.1 **Purpose.** The purpose of this Section is to assure that large-scale business developments are carefully tested against the Town's decision criteria relating to locations and uses, and to assure that adequate provisions are made for impacts of development.

7.2.2 **Applicability.** In the following categories, new or the expansion of existing buildings or structures and outdoor uses, exterior alterations, exterior additions and exterior changes that result in an increase of:

7.2.2.1 more than fifty thousand (50,000) square feet net floor area in use for one or more of the following categories:

7.2.2.1.1 store for retail sale of goods not requiring a special permit, and not involving Adult Uses or live animals;

7.2.2.1.2 bank or other financial institution;

7.2.2.1.3 restaurant (but not a Fast Order Food Establishment) with no mechanical or live entertainment regularly furnished;

7.2.2.1.4 printing/copy/publishing establishment;

7.2.2.2 more than one hundred seventy five thousand (175,000) square feet net floor area in any use other than those in Section 7.2.2.1 and those permitted as of right in Single Residence Districts;

- 7.2.2.3 parking or storage for two hundred fifty (250) or more motor vehicles.
- 7.2.3 **Special Permit Required.** A MBD shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section. Application for any other special permits which may also be required and for which the Planning Board is the designated Special Permit Granting Authority may be consolidated with a MBD application and acted upon concurrently by the Planning Board.
- 7.2.4 **Application Requirements.** An application for a special permit for a MBD shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Planning Board in addition to the following:
- 7.2.4.1 Application materials required for Section 7.3, Environmental Impact and Design Review;
- 7.2.4.2 A presentation model at a minimum scale of one (1) inch equals twenty (20) feet (or such other scale as the Planning Board shall determine) showing the parcel, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings;
- 7.2.4.3 Description of the types and quantities of proposed on-site activities;
- 7.2.4.4 Analysis indicating how the project serves job, service or other interests of Town residents;
- 7.2.4.5 Impact analyses on appropriate issues as may be identified by the Town, including identification of public facility improvements to be made by the Applicant and others;
- 7.2.4.6 Description of project timing and phasing.
- 7.2.5 **Decision.** A special permit for a MBD shall be granted by the Planning Board only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:
- 7.2.5.1 ability of roads, water and drainage facilities as existing, or as committed by the Town or the Applicant to be improved, to serve the project adequately and safely without material deterioration in service to other locations;
- 7.2.5.2 degree of assurance that no planned process or unplanned contingency will result in hazard or contamination of air, land or water resources;
- 7.2.5.3 visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees and architectural character;
- 7.2.5.4 degree of threat to environmental resources, including loss of valuable trees and other vegetation, disturbance to habitats and soil through erosion;

- 7.2.5.5 buffering and screening from any nearby uses of different character; and
- 7.2.5.6 degree to which the proposal serves job, service or other interests of Town residents.

7.2.6 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for special permits pursuant to this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

7.3 ENVIRONMENTAL IMPACT AND DESIGN REVIEW

7.3.1 **Purpose.** The purpose of this Section is to provide individual detailed review of certain uses and structures which have a substantial impact upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental impact and design review process is intended to promote the specific purposes listed in Section 1.1, Purpose.

7.3.2 **Applicability.** The following types of activities and uses which require a building permit under applicable building codes (exclusive of signs governed by the provisions of Section 6.2) shall require, except as otherwise hereinafter provided in this Section, impact and design approval under the environmental impact and design review procedures and standards hereinafter specified, unless found to be de minimis by the Building Inspector notwithstanding anything to the contrary in this Zoning Bylaw. In addition, any change in use which results in a use prohibited or requiring a special permit in a Water Resource Protection Overlay District, whether or not within such a district and whether or not requiring a building permit, shall be subject to review by the Building Inspector and, if applicable, requirement for approval hereunder. Nothing herein shall be deemed to permit any use or structure not otherwise permitted as of right or by special permit under this Zoning Bylaw, or to give rise to an implication as to whether or not a particular use or structure is permitted as of right or by special permit under this Zoning Bylaw. The following shall require approval hereunder:

- 7.3.2.1 construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial or multi-family structure;

- 7.3.2.2 expansion, by three (3) or more parking spaces, of a parking area or facility containing five (5) or more parking spaces.

7.3.3 **Exempt Uses.** Mandatory review of uses for which M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions shall be limited consistent with those statutory provisions, and on other matters shall be advisory only. For religious, educational or child care facilities the Planning Board in its review shall make determinations of compliance with requirements governing bulk and height of structures, yard sizes, lot area, setbacks, open space and parking and building coverage. Procedure for such uses shall be the same as for others, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board's regulatory determinations.

7.3.4 **Single-Family Dwelling Exemption.** Notwithstanding the foregoing, exterior alterations, exterior additions and exterior changes (including fences, walls and driveways), if made to a

single-family dwelling, shall be exempt from the regulations of this Section.

7.3.5 **Procedures.** An application for environmental impact and design review shall be accompanied by twenty (20) copies of the site plan and other application materials in accordance with the requirements specified below and the Planning Board's rules and regulations. The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Inspector and Applicant.

7.3.6 **Submittal Requirements.** To assist the Planning Board in its evaluation of an application for environmental impact and design approval hereunder, the Applicant shall submit the following materials at the time of application, except to the extent waived by the Planning Board:

7.3.6.1 **Site Plan.** The site plan shall be prepared by a Registered Professional Engineer, Registered Landscape Architect and/or Registered Professional Land Surveyor and shall show the following information, except to the extent waived by the Planning Board:

- 7.3.6.1.1 Existing and proposed planting, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;
- 7.3.6.1.2 Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;
- 7.3.6.1.3 Dimension and location of existing and proposed buildings and structures;
- 7.3.6.1.4 Existing topography, including any proposed grade changes;
- 7.3.6.1.5 Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points;
- 7.3.6.1.6 Storm drainage, including direction of flow and means of ultimate disposal. Stormwater drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection;
- 7.3.6.1.7 Provisions for sanitary sewerage and water supply, including fire protection measures; and
- 7.3.6.1.8 Location of all utilities, signage, outdoor storage and trash disposal areas.

- 7.3.6.2 **Exterior Lighting Plan.** The Exterior Lighting Plan shall show the information as required in Section 6.4.4 of this Bylaw, except to the extent waived by the Planning Board.
- 7.3.6.3 **Traffic Study.** The traffic study shall be prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board, except to the extent waived by the Planning Board.
- 7.3.6.4 **Drawings/Renderings.** A drawing or rendering of the proposed building, including color and type of surface materials showing front, rear and side elevations.
- 7.3.6.5 **Photographs.** Photographs showing any existing structures to be altered, the proposed building site and surrounding properties. Applications for alterations and additions shall include photographs showing each existing structure to be altered and its relationship to adjacent properties.
- 7.3.6.6 **Impact Statement.** An explanation of how each of the environmental impact and design standards cited herein is incorporated into the design of the proposed development. Where a particular standard is not applicable a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or federal regulations may be accepted as a substitute in lieu of this statement.
- 7.3.6.7 **Model.** A presentation model at a minimum scale of one (1) inch equals twenty (20) feet (or such other scale as the Planning Board shall determine) showing the tract, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings, except to the extent waived by the Planning Board. This Subsection is not applicable to additions, alterations or changes which increase gross floor area by less than one hundred percent (100%).
- 7.3.7 **Environmental Impact and Design Standards.** The following standards shall be utilized by the Planning Board to review and evaluate all applications pursuant to this Section. These standards are intended to provide a frame of reference for the Applicant in the development of their project and building plans as well as criteria for review by the Planning Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in this Section shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to the principal buildings or structures.
- 7.3.7.1 **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.
- 7.3.7.2 **Relation of Buildings to Environment.** The proposed development shall be

related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.

- 7.3.7.3 **Open Space.** All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- 7.3.7.4 **Circulation, Traffic Impact and Alternative Means of Transportation.** With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle and bicycle parking areas and the effect thereof upon the use and enjoyment of proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets. Each proposed facility is encouraged to incorporate alternative means of transportation, including bicycle and shuttle bus, and shall make adequate provision for the convenience of vehicular and pedestrian movement within the site in which the facility is to be located, and in relation to nearby streets, property and improvements.
- 7.3.7.5 **Stormwater Drainage and Erosion Control.** Special attention shall be given to proper site surface drainage (i) so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and (ii) so as to minimize any adverse impact upon nearby “downstream” properties. Stormwater shall be removed from all roofs, canopies and paved areas in a manner complying with the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post-development erosion controls must be implemented and maintained where necessary.
- 7.3.7.6 **Advertising Features.** The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- 7.3.7.7 **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.

- 7.3.7.8 **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.
- 7.3.7.9 **Heritage.** With respect to the Town's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- 7.3.7.10 **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.
- 7.3.7.11 **Energy Efficiency.** To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- 7.3.7.12 **Detrimental Effects.** No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.
- 7.3.7.13 **Nearby Properties.** Nearby properties shall be protected against detrimental uses on the site.
- 7.3.7.14 **Specific Standards for High and Washington Street.** Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values of a particular part of High Street or Washington Street, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements.
- 7.3.7.15 **Air Quality.** Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental

Protection Agency (EPA) under the Clean Air Act, and any use required to apply to the Massachusetts Department of Environmental Protection under 310 CMR 7.00 or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.

- 7.3.7.16 **Plants and Animals.** Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program, or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a MBD special permit must include documentation to the Planning Board of having consulted with the Conservation Commission and the Massachusetts Natural Heritage Program regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.
- 7.3.7.17 **Vibration.** Except for blasting and other activities within the jurisdiction of the Board of Fire Prevention Regulations, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11 (18) for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.
- 7.3.7.18 **Electrical Disturbances.** No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- 7.3.7.19 **Historic and Archaeological Sites.** Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Massachusetts Register of Historic Places. An application for a MBD special permit shall submit documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.
- 7.3.7.20 **Solid Waste.** Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction, and must make permanent arrangement for satisfactory on-site storage of refuse pending its removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- 7.3.7.21 **Water Quality.** Any development subject to review pursuant to this Section which involves a use prohibited or requiring a special permit in a Water Resource Protection Overlay District pursuant to Section 9.3 may be allowed if such development is located outside of the Water Resource Protection Overlay District and if the material regulated is less than twenty (20) gallons liquid or less than one hundred fifty (150) pounds dry weight. If exceeding those limits the use shall be allowed only if the Planning Board, in its review of the application

pursuant to this Section, determines that the Applicant has documented that adequate safeguards for protecting the integrity of groundwater quality have been assured. Any development subject to review pursuant to this Section which involves a use prohibited or requiring a special permit under Section 9.3 and is located within a Water Resource Protection Overlay District may be allowed if such development has been granted a special permit pursuant to the provisions of Section 9.3.

- 7.3.8 **Decision.** Environmental impact and design approval shall be granted upon the determination of the Planning Board that the application meets the objectives cited herein. The Planning Board may impose reasonable conditions at the expense of the Applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points and other aspects of the development, so as to:

- 7.3.8.1 Minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and threat of air and water pollution;
- 7.3.8.2 Maximize pedestrian and vehicular safety on the site and egress to and from the site;
- 7.3.8.3 Minimize obstruction of scenic views from publicly accessible locations;
- 7.3.8.4 Minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 7.3.8.5 Minimize glare from headlights and lighting intrusion;
- 7.3.8.6 Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places;
- 7.3.8.7 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances; and
- 7.3.8.8 Ensure compliance with the provisions of this Bylaw, including parking, landscaping, exterior lighting and noise.

- 7.3.9 **Modifications.** Once environmental impact and design approval has been granted by the Planning Board, any subsequent changes in which the Building Inspector has determined will substantially affect or alter the visual appearance of the building facade or roof or will substantially affect or alter traffic flow or modify the site plan, a new application shall be submitted pursuant to this Section.

- 7.3.10 **Lapse.** Environmental impact and design approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the environmental impact and design approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.
- 7.3.11 **Regulations.** The Planning Board may adopt reasonable rules and regulations for the administration of this Section.
- 7.3.12 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for environmental impact and design review.
- 7.3.13 **Appeal.** Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with M.G.L. Chapter 40A, Section 17 to a court of competent jurisdiction.
- 7.3.14 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for environmental impact and design approval under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a permit hereunder shall contain an agreement by the Applicant to that effect.

ARTICLE 27

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 14(g) Exception for Flexible Plan Development; Section 14A. EXCEPTION FOR FIFTY PERCENT DENSITY BONUS; and Section 16C. MAJOR RESIDENTIAL DEVELOPMENT in their entireties and substitute the following therefor:

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.3 FLEXIBLE DEVELOPMENT

8.3.1 **Purpose.** The purpose of this Section is as follows:

- 8.3.1.1 to encourage the preservation of open space and promote the more efficient use of land in harmony with its natural features;
- 8.3.1.2 to preserve and protect historical and archeological resources and the natural environment, including varied landscapes and water resources;
- 8.3.1.3 to promote more sensitive siting of buildings and better overall site planning;
- 8.3.1.4 to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- 8.3.1.5 to offer an alternative to standard subdivision development; and
- 8.3.1.6 to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town.

- 8.3.2 **Applicability.** A Flexible Development may be authorized by special permit by the Board of Appeals for any parcel or set of contiguous parcels held in common or separate ownership containing ten (10) acres or more and located in a Single Residence E or Single Residence C District. If the application for a Flexible Development involves more than one ownership, each owner of land included on the plan shall be a party to the application and upon approval of the application, subject to its provisions.
- 8.3.3 **Special Permit Required.** A Flexible Development shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section. Consistent with the general purposes of the Zoning Bylaw and the specific purposes of this Section, said special permit may authorize exceptions from the requirements of this Bylaw.
- 8.3.4 **Procedures.** An application for Flexible Development shall be filed in accordance with the rules and regulations of the Board of Appeals and shall be accompanied by seven (7) copies of a plan substantially in the form which the Applicant proposes to submit to the Planning Board (if the special permit is granted) as a Definitive Plan pursuant to the Subdivision Control Law.
- 8.3.5 **Submission of Preliminary Plan to Planning Board.** Prior to the submission of an application for a Flexible Development special permit, the Applicant shall have submitted to the Planning Board for approval under the Subdivision Control Law a preliminary subdivision plan of the parcel of land which is the subject matter of such application.
- 8.3.5.1 The preliminary plan and any plan for which a special permit is granted hereunder shall show which lots are to remain Open Land (as hereinafter defined) and a building envelope for each building lot.
- 8.3.5.2 The preliminary plan shall contain, or be accompanied by, or the Applicant shall furnish at the Planning Board's request, such studies, data and additional plans as shall be sufficient to enable the Planning Board to make a determination as to the number of lots which could be created on said parcel, without a special permit hereunder, giving due consideration to the factors referred to herein.
- 8.3.5.3 No application for a special permit shall be submitted to the Board of Appeals until the Planning Board shall have acted upon the preliminary plan required herein or until the period provided for in the Subdivision Control Law for such action by the Planning Board shall have expired.
- 8.3.6 **Referral of Application to Planning Board.** Within ten (10) days after receipt of a Flexible Development special permit application, the Board of Appeals shall forward a complete copy thereof to the Planning Board which may conduct such investigation as it deems to be appropriate, and on the basis of such investigation, and also on the basis of such information as shall have been brought to its attention during consideration of the preliminary plan, the Planning Board shall submit a written report to the Board of Appeals setting forth its findings as to the conditions required and also setting forth its recommendations with respect to said application. 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 the Planning Board has allowed thirty-five (35) days to elapse after receipt of such application without submission of a report. The Board of Appeals shall give due consideration in its written decision to the report of the Planning Board.
- 8.3.7 **Number of Building Lots.** The number of building lots provided for on a plan for which a special permit is granted hereunder shall not exceed the number of lots which could be created on

said parcel without such a special permit. There shall be excluded from the number of lots which could be created without a special permit within the meaning of the foregoing sentence all lots which the Planning Board finds are not buildable, whether by reason of excessive development and site preparation costs, sanitary disposal, drainage or water supply problems, or a combination of the foregoing. In considering the foregoing, the Planning Board may rely upon findings and recommendations of the Board of Health, Sewer Commission and Conservation Commission.

8.3.8 Determination of Building Lots. In determining the number of lots which could be built upon on a particular parcel without a special permit hereunder, the Planning Board and the Board of Appeals shall give due consideration to all pertinent studies, plans and other data submitted by the Applicant, or obtained through the Planning Board's investigation thereof, and to the character and suitability of such land for residential construction and sanitary disposal, and to applicable rules and regulations of the Planning Board and the Board of Health and other applicable statutes, regulations and laws.

8.3.9 Lot Requirements. The building lots shown on a plan for which a special permit is granted hereunder shall meet the following requirements:

8.3.9.1 Each such lot lying in a Single Residence E District shall contain a minimum of thirty thousand (30,000) square feet, and each such lot lying in a Single Residence C District shall contain a minimum of twenty thousand (20,000) square feet.

8.3.9.2 The average area of all such lots lying in a Single Residence E District shall be at least thirty-five thousand (35,000) square feet, and the average area of all such lots lying in a Single Residence C District shall be at least twenty-five thousand (25,000) square feet.

8.3.9.3 If the land shown on the plan includes land located in two or more Residential Districts the land shall be considered as lying entirely within the district having the largest area and frontage requirements, provided, however, that if eighty percent (80%) or more of the total area shown as building lots lies within one Residential District, all of the land shall be considered as lying within that district.

8.3.9.4 Each such lot shall have a width of not less than one hundred twenty-five (125) feet.

8.3.9.5 Each lot shall have a frontage of not less than forty (40) feet on any street line.

8.3.9.6 Each building lot shall contain a building envelope which is in harmony with the general intent of the Bylaw.

8.3.9.7 Each building lot shall contain a site which, subject to approval of the Board of Health, may be suitable for a septic disposal system, or which has adequate provision for public sewer.

8.3.10 Open Land Requirements. There shall be included as Open Land in a plan for which a special permit is granted an area or areas having an aggregate size equal to or greater than the total area by which lots shown on said plan have been reduced to less than the minimum lot size otherwise required by this Bylaw.

- 8.3.11 **Additional Open Land Requirements in Single Residence E District.** In addition to the requirements set forth in Section 8.3.10, in a Single Residence E District, such Open Land shall include an area at least equal to the aggregate of one-half (½) of the excess over eighty thousand (80,000) square feet of each lot which is greater in area than eighty thousand (80,000) square feet but less than one hundred twenty thousand (120,000) square feet plus all of the excess over eighty thousand (80,000) square feet of each lot which is one hundred twenty thousand (120,000) square feet or greater in area.
- 8.3.12 **Additional Open Land Requirements in Single Residence C District.** In addition to the requirements set forth in Section 8.3.10, in a Single Residence C District, such Open Land shall include an area at least equal to the aggregate of one-half (½) of the excess over forty thousand (40,000) square feet of each lot which is greater in area than forty thousand (40,000) square feet but less than eighty thousand (80,000) square feet plus all of the excess over forty thousand (40,000) square feet of each lot which is eighty thousand (80,000) square feet or greater in area.
- 8.3.13 **Open Land Restrictions.** Provision shall be made by agreement, duly executed in form suitable for recording by the owner of such Open Land that in the event that a special permit is granted such Open Land shall:
- 8.3.13.1 Be owned either (a) by the Town for park or open space use; or (b) by a non-profit organization the principle purpose of which is the conservation of open space, which organization the Planning Board finds to be a suitable entity to carry out the purposes of this Section; or (c) by a corporation or trust owned or to be owned by the owners of the building lots as provided by M.G.L. Chapter 40A, Section 9. The manner of ownership of such Open Land (or of various parcels thereof) shall be determined by the Applicant after consultation with the Planning Board.
 - 8.3.13.2 Be subject to restrictions unlimited as to time that such Open Land shall be used only for (a) conservancy in its natural state; (b) grazing and agriculture; (c) walking; (d) horseback riding and/or bicycle riding; (e) playing fields and courts; (f) swimming pools and other recreational facilities and structures; or (g) any combination of the foregoing. The type of restrictions on such Open Land (or on various parcels thereof) shall be determined by the Planning Board after consultation with the Applicant.
 - 8.3.13.3 At least eighty percent (80%) of the Open Land shall be retained in its natural state.
 - 8.3.13.4 Playing fields and courts and swimming pools and other recreational facilities and structures shall be confined to that portion of the Open Land not required to be retained in its natural state.
- 8.3.14 **Enforcement of Open Land Restrictions.** Such restrictions shall be for the benefit of and enforceable by the Town, and if the Applicant so requests, shall also be enforceable by the Applicant and/or by the owners of the building lots shown on such plan. The Applicant may specify that such restrictions be established for the benefit of the Town by a trust enforceable by the Board of Selectmen, Planning Board and/or Conservation Commission.

- 8.3.15 **Discretionary Conditions.** The Board of Appeals may recommend and may impose as conditions of a special permit hereunder such provisions as to parking, road construction, sidewalks, location of Open Land (as herein defined), lot configuration, relationship of dwelling units to one another, recreational facilities, screening and care and maintenance of the Open Land as may be deemed advisable for the protection and well-being of the occupants of the dwelling units and the residents of the Town.
- 8.3.16 **Required Conditions.** No special permit shall be granted hereunder unless the following conditions are met:
- 8.3.16.1 The Applicant shall have submitted a restrictive agreement as provided herein.
- 8.3.16.2 The proposed ownership of and restrictions to be applied to the Open Land as set forth in the restrictive agreement provided for herein shall be in harmony with the general intent of the Bylaw and appropriate to the particular development.
- 8.3.17 **Further Restrictions.** The Board of Appeals may, in appropriate cases, impose further restrictions upon the parcel, or parts thereof, as a condition to the grant of the special permit.
- 8.3.18 **Recording of Restrictive Agreement.** No building or structure shall be erected pursuant to a special permit granted until and unless the restrictive agreement provided for herein shall have been duly recorded. The restrictive agreement shall be in such form and contain such facts and provisions that, so far as possible under then existing law, the restrictions will not terminate by operation of law.

8.4 FIFTY PERCENT DENSITY BONUS

- 8.4.1 **Provision for and Conditions of Special Permit.** If a special permit shall have been granted under Section 8.3, Flexible Development, the Board of Appeals may grant, in lieu of any other special permit providing for a density bonus under this Bylaw and notwithstanding the other provisions of Section 8.3 limiting the number of building lots in a Flexible Development, a special permit authorizing an increase in density so that the maximum number of building lots permitted within such Flexible Development is equal to one hundred fifty percent (150%) of the number of building lots that could be created therein without a special permit thereunder, provided that the following conditions are satisfied. For purposes of this Section, fractions of one-half ($\frac{1}{2}$) or greater shall be rounded to the next higher whole number, and fractions of less than one-half ($\frac{1}{2}$) shall be rounded to the next lower whole number.
- 8.4.1.1 At least twenty percent (20%) of the total land area of the Flexible Development, of a configuration and at a location approved by the Board of Appeals, shall consist of Open Land that conforms with the requirements of Section 8.3, Flexible Development.
- 8.4.1.2 The configuration of the Open Land shall be such as to preserve, to the maximum extent reasonably practicable, the visual beauty of the land within the Flexible Development as seen from streets and ways bordering upon the Flexible Development or located nearby. To the extent reasonably practicable and consistent with this objective, the number of noncontiguous pieces of land comprising the Open Land shall be kept to a minimum, and the roads and ways in a Flexible Development shall not be located within the Open Land.

- 8.4.1.3 There shall be conveyed to the Town at least fifty percent (50%) of the number of building lots within the Flexible Development in excess of the number of building lots that could be created therein without a special permit.
- 8.4.2 **Land Conveyed to Town for Affordable Housing.** Land conveyed to the Town pursuant to Section 8.4.1.3 shall be used or made available for use for the purpose of providing, through public and/or private development, low or moderate income housing within the meaning of M.G.L. Chapter 40B, as may be amended from time to time. Such land shall be in the care, custody, management and control of the Board of Selectmen. To the extent permitted by applicable law, such land or any part thereof or interest therein may be held, leased, conveyed or otherwise dealt with or disposed of in any manner which the Board of Selectmen shall determine to be in furtherance of the objectives hereof. The rate at which and the manner in which such land shall be developed or made available for development, and the type and configuration of each building or group of buildings constructed on such land, shall rest solely in the discretion of the Board of Selectmen, but in the exercise of its discretion the Board of Selectmen shall give due consideration to the recommendations of the Planning Board and any housing authority that may be established in the Town.
- 8.4.3 **Development Restrictions.** Notwithstanding anything to the contrary contained in this Zoning Bylaw, the following shall apply to such land:
- 8.4.3.1 housing accommodations on any lot may consist of one or more detached buildings containing not more than four (4) dwelling units per building;
- 8.4.3.2 any lot or combination of lots may be developed to a density not exceeding eight (8) dwelling units per acre in the aggregate;
- 8.4.3.3 the minimum distance between buildings on any lot or combination of lots shall be twenty (20) feet;
- 8.4.3.4 the minimum distance between any building and any lot line of a lot not so conveyed to the Town shall be twenty (20) feet; except as aforesaid there shall be no minimum distance between any building and any lot line of a lot so conveyed to the Town;
- 8.4.3.5 the maximum building height shall be thirty-five (35) feet;
- 8.4.3.6 a maximum of thirty-five percent (35%) of any lot or combination of lots may in the aggregate be covered by the aggregate of the building, roads and parking areas thereon; and the aggregate minimum number of off-street parking spaces on any lot or combination of lots shall be two (2) for each dwelling unit.
- 8.4.4 **Board of Health Approval.** No construction shall be commenced on any building site on such land until the Board of Health shall have determined that such site is suitable for a septic disposal system or until adequate provision shall have been made for public sewer.
- 8.4.5 **Coordination with Section 8.3, Flexible Development.** If an Applicant is applying for a special permit pursuant to Section 8.3, Flexible Development and also a special permit pursuant to this Section, the plan shall identify the lots proposed to be conveyed to the Town pursuant to this Section.

8.5 MAJOR RESIDENTIAL DEVELOPMENT (MRD)

8.5.1 **Purpose.** The purpose of this Section is to allow greater flexibility and creativity in residential development and to assure a public voice and public authority in consideration of development in order to gain:

- 8.5.1.1 location of development on sites best suited for building, and protection of land not suited for development, reflecting such considerations as:
 - permanent preservation of open space for conservation or recreational use, especially in large contiguous areas within the site linked to off-site protected areas;
 - protection of water bodies, streams, wetlands, wildlife habitats and other conservation resources;
 - protection of the character of the community through preserving open space within view from public roadways, preservation of stone walls and other historic landscape features, preservation of scenic vistas and through siting of dwellings at low-visibility locations;
 - protection of street appearance and capacity by avoiding development close to or having egress directly onto such streets;
- 8.5.1.2 efficient patterns for construction and maintenance of public facilities and services such as streets and utilities;
- 8.5.1.3 continuation of the community's social and economic diversity;
- 8.5.1.4 privacy for residents of individual lots; and
- 8.5.1.5 avoidance of unnecessary development cost.

8.5.2 **Definition.** Major Residential Development shall mean the division or subdivision for residential purposes of any parcel of land or a set of contiguous parcels of land which were in common ownership as of July 1, 1998, which would cumulatively result in one or more of the following, unless each resulting lot has lot area, lot frontage and lot width at least fifty (50) percent greater than that required by Section 5.2, Table of Dimensional Requirements:

- 8.5.2.1 Development of four (4) or more dwelling units on a single lot, except as may otherwise be provided herein;
- 8.5.2.2 An increase by ten (10) or more lots (excluding any restricted from residential use) above the number existing there two (2) years earlier;
- 8.5.2.3 Creation of four (4) or more lots with individual driveway egress onto a street existing at the time of lot creation unless, through lot configurations or restrictions to be recorded on the plan creating the lots, no lot has a driveway location within six hundred (600) feet of the driveway location of another lot being created in the same division or subdivision of land;

- 8.5.2.4 Creation of four (4) or more lots unless, through lot locations or restrictions to be recorded on the plan creating the lots, no more than three (3) of the lots contain a potential site for construction of a dwelling any part of which would be less than two hundred (200) feet from a street existing at the time of the creation of such lot.
- 8.5.3 **Special Permit Required.** A Major Residential Development shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.
- 8.5.4 **Mandatory Applicability.** A MRD may be authorized by special permit by the Planning Board for any parcel or set of parcels held in common or separate ownership that are defined as a MRD pursuant to Section 8.5.2. If the mandatory application for a MRD involves more than one ownership, each owner of land included on the plan shall be a party to the application and upon approval of the application, subject to its provisions.
- 8.5.5 **Optional Applicability.** The owner of any parcel or set of parcels held in common or separate ownership that total five (5) acres or more and are not defined as a MRD pursuant to Section 8.5.2, may choose to submit them for regulation as if being a MRD. If the optional application for a MRD involves more than one ownership, each owner of land included on the plan shall be a party to the application and upon approval of the application, subject to its provisions.
- 8.5.6 **Noncontiguous Parcels.** A single MRD plan may include non-contiguous parcels, whether or not in the same ownership.
- 8.5.7 **Procedures.** An application for a MRD shall be filed in accordance with the rules and regulations of the Planning Board, except for any submittal items which the Planning Board may have waived in writing prior to application submittal, based on its determination that the waived information would not be germane to the decision, or would be unjustified in light of the scale, location or other attributes of the project.
- 8.5.8 **Submittals.** An Applicant for a MRD special permit shall file with the Planning Board both of the following plans. The information that is required to be shown on the plans shall be in accordance with the rules and regulations of the Planning Board.
- 8.5.8.1 Conventional Plan. A conventional plan in full conformance with all zoning and subdivision regulations and to the extent possible at the time of application, health regulations, wetlands regulations and other applicable federal, state and local requirements. This Conventional Plan shall be prepared in conformance with the requirements for a preliminary subdivision plan as set forth in the Planning Board's Subdivision Rules and Regulations; provided, however, that in simple cases, such requirements may be waived by the Planning Board
- 8.5.8.2 Alternative Plan. An alternative plan that differs substantially from the aforementioned Conventional Plan. Examples of plans that would be 'substantially different' from a Conventional Plan includes the use of the alternative dimensional regulations set forth herein, or a plan of the same type but having major differences in the number of lots created, road pattern or open space configuration.

- 8.5.9 **Additional Submittals.** The Planning Board may require additional information necessary to make the determinations and assessments cited herein.
- 8.5.10 **Referral of Application to Other Boards.** Within ten (10) days after receipt of a MRD special permit application, the Planning Board shall forward a complete copy thereof to the Board of Health and Conservation Commission which may conduct such investigation as they deem to be appropriate. The Board of Health and Conservation Commission shall submit written reports to the Planning Board setting forth their findings as to the conditions required and also setting forth their recommendations with respect to said application. The Planning Board shall not take final action on such application until it has received reports thereon from the Board of Health and Conservation Commission, or until these Boards have allowed thirty-five (35) days to elapse after receipt of such application without submission of a report.
- 8.5.11 **Maximum Number of Dwelling Units.** The maximum number of dwelling units allowed within a MRD shall equal the maximum number of buildable lots that could reasonably be expected to be created through conventional development of the land without bonuses pursuant to this Section or substantial waivers or variances from applicable regulations. This determination shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the Applicant.
- 8.5.12 **Calculation Requirements.** Where a MRD includes more than one ownership, lies in more than one zoning district, or includes two or more noncontiguous areas, the maximum number of dwelling units allowed shall be determined for each zoning district, ownership and non-contiguous area and summed to give an overall allowable total maximum number of dwelling units. The dwelling units may be located on the plan without respect to allowable subtotals by district, ownership, or non-contiguous areas, except that the portion of any development within a Water Resource Protection Overlay District shall meet the requirements of that district.
- 8.5.13 **Incentive Units.** The Planning Board may approve a MRD containing more than the maximum number of dwelling units based upon the following. The percentage increase over the maximum number of dwelling units allowed shall be equal to the total of the incentives earned under Section 8.5.13.1 and Section 8.5.13.2. An Applicant seeking any of these incentives shall submit calculations and any other documentation necessary to demonstrate qualification for the incentive. In no event shall the Planning Board allow an increase to the extent that the nonwetland lot area in the entire development is reduced below the following:

SRC District:	27,000 square feet per dwelling unit;
SRE District:	45,000 square feet per dwelling unit;
WRPOD:	40,000 square feet per dwelling unit;
Other locations:	10,000 square feet per dwelling unit.

- 8.5.13.1 Objective: Encourage diversity of dwelling type

Incentive equals 0.5 times the percentage of all dwelling units legally reserved for persons over the age of fifty-five (55).

- 8.5.13.2 Objective: Facilitate economic diversity

Incentive equals 1.5 times the percentage of all dwelling units legally reserved as Affordable Housing and 1.0 times the percentage of all dwelling units legally reserved as Moderate Income Housing, if complying with special permit

stipulations regarding permanence of affordability, resident selection, timing of provision of affordable and moderate income units and location of affordable and moderate income units within the MRD.

8.5.14 **Alternative Dimensional Regulations.** The following alternative dimensional regulations may be used for individual lots (but not for determining the maximum number of dwelling units), rather than the dimensional regulations as provided in Section 5.2, Table of Dimensional Requirements:

8.5.14.1 **Lot Area.** Minimum lot area shall be that necessary to meet requirements for setbacks and for Board of Health requirements, and to assure that lot area exclusive of wetlands will equal at least five (5) times the habitable floor area of any dwelling subsequently erected thereon. The maximum allowable floor area of each lot shall be annotated on the plan for recording the lots.

8.5.14.2 **Frontage and Lot Width.** The lot frontage and lot width shall be that necessary to meet requirements for yards and setbacks and to provide for adequate access to the building site. Where shared driveways or other circumstances render frontage on a street to be of no importance none shall be required.

8.5.14.3 **Existing Street Protection.** Lots having frontage on a street other than one created by a MRD may not have less lot area or lot frontage than conventionally required in that zoning district.

8.5.15 **Building Envelope.** Proposed principal and accessory buildings and structures shall be located within a designated building envelope, but are not otherwise subject to yard or setback requirements. The building envelope shall not exceed forty percent (40%) of lot area or twenty thousand (20,000) square feet, whichever is larger, and shall be located consistent with the following:

8.5.15.1 It shall include no land within any setback required by Section 5.2, Table of Dimensional Requirements at any boundary line at the perimeter of a MRD, including the existing street line.

8.5.15.2 It shall include no land within any wetland, floodplain or slope in excess of twenty-five percent (25%).

8.5.15.3 Where possible, it shall avoid areas of critical environmental importance, such as habitats of species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program.

8.5.15.4 Where possible, it shall avoid damage to areas of visual importance, such as ridge lines, open fields or dense vegetation buffering development from existing roadways.

8.5.16 **Other Requirements.**

8.5.16.1 **Improvements.** Access, drainage, utilities and grading shall meet functional standards equivalent to those established in the Planning Board's Subdivision Rules and Regulations. Prior to issuance of building permits within a MRD, the Planning Board shall certify to the Building Inspector that a detailed site plan has

been submitted and meets those standards, and before occupancy permits for any structure are issued, the Planning Board shall certify to the Building Inspector that improvements to meet such standards have either been completed to serve such structure, or security for their completion has been received.

8.5.16.2 **Common Open Land.** Any proposed common open land within a MRD shall be conveyed to either (a) the Town for park or open space use; or (b) to a non-profit organization the principle purpose of which is the conservation of open space, which organization the Planning Board finds to be a suitable entity to carry out the purposes of this Section; or (c) to a corporation or trust owned or to be owned by the owners of lots or residential units within a MRD, as provided by M.G.L. Chapter 40A, Section 9. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses such as parking or roadways. Building coverage shall not exceed five percent (5%) in such conservation or recreation areas.

8.5.17 **Decision.** The Planning Board may approve or approve with conditions a special permit for a MRD, whichever plan, the Conventional Plan or Alternative Plan, best promotes the objectives of the following, in addition to any specific factors that may be set forth in the Bylaw:

8.5.17.1 Section 1.0, Purpose and Authority;

8.5.17.2 Section 8.5.1, Major Residential Development purpose;

8.5.17.3 Section 7.3.7, Environmental Impact and Design Standards, so far as applicable.

8.5.18 **Relationship to Subdivision Plan.** Planning Board approval of a MRD special permit shall neither oblige the Planning Board to approve any related definitive subdivision plan nor substitute for such approval. The Applicant is encouraged to submit a MRD special permit application concurrently with a preliminary subdivision plan application. The combined special permit and preliminary subdivision plan applications shall conform to all requirements of this Section and the preliminary subdivision plan requirements of the Planning Board's Subdivision Rules and Regulations. Following the grant of a MRD special permit and approval of a preliminary subdivision plan, the Applicant shall submit a definitive subdivision plan consistent with the Subdivision Rules and Regulations.

8.5.19 **Long-Term Compliance.** Subsequent to approval of a MRD special permit, no land therein shall be sold and no lot line or structure altered from that shown on the approved plan so as to increase the extent of nonconformity with the standard dimensional regulations of this Bylaw. Prior to sale of any lot within a MRD, or issuance of a building permit for construction therein, such lots shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, which plan shall make reference to the recorded land agreements. Unless the Planning Board has specifically approved staged development, such plan shall show all lots to be included in a MRD.

8.5.20 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for special permits under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

ARTICLE 28

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 22. BOARD OF APPEALS ADMINISTRATION, SPECIAL PERMITS AND VARIANCES; and Section 23. EXECUTION AND ENFORCEMENT in their entirety and substitute the following therefor:

SECTION 10.0 ADMINISTRATION AND PROCEDURES

10.1 EXECUTION AND ENFORCEMENT

10.1.1 **Execution.** The Building Inspector shall execute the provisions of this Bylaw, except where otherwise provided, and in so doing shall have the same powers as are provided for the execution of the Massachusetts State Building Code. The Building Inspector shall issue no permit for the construction, alteration or relocation of any building or structure if the building or structure as constructed, altered or relocated would be in violation of this Bylaw; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this Bylaw. Where a special permit or other permit is required pursuant to the provisions of this Bylaw, or where an appeal or petition involving a variance, special permit or other permit is pending, the Building Inspector shall issue no building permit until such permit is granted and the applicable appeal period has expired or such appeal is no longer pending.

10.1.2 **Building Permits.** Applications for permits shall be accompanied by a certified plot plan, submitted in duplicate, of the lot showing the exact location and size of the actual dimensions of the lot and the exact location and size of the buildings or structures already upon the lot, and of the other buildings or structures to be constructed or altered, together with the streets adjacent to the lot. Construction or operations pursuant to a building or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

10.1.3 **Occupancy Permits.** It shall be unlawful to reduce the open spaces on any lot, or to initially use any building or structure hereafter constructed or to occupy or use any building or structure for a purpose other than that for which it was designed (as set forth in the permit for its construction, if any), until the Building Inspector has issued an occupancy permit. Such permit shall not be issued unless and until the Building Inspector has found the premises to be in apparent conformity in all applicable respects to the provisions of this Bylaw or decision rendered hereunder.

10.1.4 Enforcement.

10.1.4.1 If the Building Inspector shall be informed or have reason to believe that any provision of this Bylaw or any permit or decision hereunder has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and if the Building Inspector finds any violation, he shall give immediate notice in writing to the owner or duly authorized agent and to the occupant of the premises. If after such notice, a violation occurs, with respect to any building, structure or use contrary to the provisions of this Bylaw, the Building Inspector

shall forthwith revoke any permit issued in connection with the premises and shall take such other action as is necessary to enforce the provisions of this Bylaw.

10.1.4.2 If the Building Inspector is requested in writing to enforce this Bylaw against any person allegedly in violation thereof and declines to act, the Building Inspector shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen (14) days of receipt of such request. If the Building Inspector is so requested in writing and does not decline to act, he shall give written notice of his disposition of the matter to the party making such request within thirty (30) days of such receipt.

10.1.4.3 Any person taking cognizance of a violation of the Zoning Bylaw that he is empowered to enforce (including without limitation the Building Inspector and any police officer), hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one (21) days after the date of such notice, in which event the procedure for enforcement shall be as set forth in M.G.L. Chapter 40, Section 21D.

10.1.5 **Penalty for a Criminal Complaint.** Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provisions of this Bylaw, or any of the conditions under which a permit or special permit is issued, or any decision rendered hereunder, shall be subject to a fine not to exceed the amount of two hundred dollars (\$200.00) for each offense, which shall be recovered as provided by law and shall inure to the Town. Each day that any such violation continues shall constitute and be considered a separate offense.

10.1.6 **Penalty for Noncriminal Complaint.** In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Inspector by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute and be considered a separate offense.

10.1.7 **Appeals.**

10.1.7.1 Appeals to the Board of Appeals may be taken by a person aggrieved by reason of their inability to obtain a permit or enforcement action under this Zoning Bylaw, or may be taken by an officer or board of the Town or other person aggrieved by an order or decision of any administrative official under this Bylaw. The Petitioner shall file such appeal with the Town Clerk within thirty (30) days after the refusal of a permit or the issuance of the order of decision. The Petitioner shall forthwith transmit a copy thereof, with the date of filing certified by the Town Clerk, with the Board of Appeals or the officer or board whose order or decision is being appealed. The Board of Appeals shall hold a public hearing within sixty-five (65) days of the receipt of the petition and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action upon a petition within the one hundred (100)-day period shall be deemed to be a grant of the appeal.

10.1.7.2 A person aggrieved by a decision of the Board of Appeals or the Special Permit Granting Authority or by the failure of the Board of Appeals to take final action concerning any appeals, application or petition within the required time or by the failure of a Special Permit Granting Authority to take final action concerning an application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to a court of competent jurisdiction within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

10.1.8 **Repetitive Appeal, Application or Petition.** No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals or Planning Board shall be favorably and finally acted upon within two (2) years after the date of such unfavorable action unless the Board which acted upon the appeal, application or petition, by a unanimous vote if the Board of Appeals or all but one of the members if the Planning Board, finds specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in its records. All but one of the members of the Planning Board must also consent to a repetitive appeal, application or petition initially acted upon by the Board of Appeals after notice is given to parties in interest of the time and place of the proceedings to consider consent.

10.2 BOARD OF APPEALS

10.2.1 **Establishment.** There is hereby established a Board of Appeals of three (3) members and six (6) associate members. All members shall be residents of the Town, who shall be appointed by the Board of Selectmen.

10.2.2 **Powers.** The Board of Appeals shall have and exercise all the powers granted to it by M.G.L. Chapters 40A, 40B and 41 and by this Bylaw. The powers of the Board of Appeals are as follows:

10.2.2.1 To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the Special Permit Granting Authority, to act in all matters in accordance with the provisions of Section 10.3, or as otherwise specified.

10.2.2.2 To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures, as set forth in M.G.L. Chapter 40A, Section 10. The Board of Appeals shall not grant use variances.

10.2.2.3 To hear and decide appeals taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. Chapter 40A, Sections 8 and 15.

10.2.2.4 To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L. Chapter 40B, Sections 20 through 23.

10.2.3 **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

10.2.4 **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals and applications for comprehensive permits.

10.3 SPECIAL PERMITS

10.3.1 **Special Permit Granting Authority.** Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

10.3.2 **Application.** An application for a special permit for uses designated in the Zoning Bylaw shall be filed with the Town Clerk, who shall forthwith transmit it to the Special Permit Granting Authority. The Special Permit Granting Authority shall hold a public hearing within sixty-five (65) days of the filing date and shall render a decision within ninety (90) days from the date of the public hearing. Failure to take final action within the ninety (90)-day period shall be deemed to be a grant of the special permit.

10.3.3 **Decision.** Special permits shall be granted by the Special Permit Granting Authority, 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 characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

10.3.3.1 Social, economic or community needs which are served by the proposal;

10.3.3.2 Traffic flow and safety, including parking and loading;

10.3.3.3 Adequacy of utilities and other public services;

10.3.3.4 Neighborhood character, aesthetics and social structures;

10.3.3.5 Impacts on the natural environment; and

10.3.3.6 Potential fiscal impact, including impact on Town services, tax base and employment.

10.3.4 **Procedures.** An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

10.3.5 **Conditions.** Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.

10.3.6 **Plans.** An Applicant for a special permit shall submit a plan in substantial conformance with the requirements of the Special Permit Granting Authority.

10.3.7 **Regulations.** The Special Permit Granting Authority may adopt rules and regulations for the administration of this Section.

- 10.3.8 **Fees.** The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.
- 10.3.9 **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17 from the grant thereof) with the Town Clerk.

10.4 VARIANCES

- 10.4.1 **Permit Granting Authority.** Variances from the specific requirements of this Bylaw may be authorized by the Board of Appeals, except that variances authorizing a use not otherwise permitted in a particular zoning district shall not be granted.
- 10.4.2 **Application.** A petition for a variance shall be filed with the Town Clerk, who shall forthwith transmit it to the Board of Appeals. The Board of Appeals shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action within the one hundred (100)-day period shall be deemed to be a grant of the variance.
- 10.4.3 **Findings.** Before granting a variance from the requirements of this Bylaw, the Board of Appeals must specifically find that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.
- 10.4.4 **Procedures.** An application for a variance shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 10.4.5 **Conditions.** Variances may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Board of Appeals may deem necessary to serve the purposes of this Bylaw.
- 10.4.6 **Plans.** An Applicant for a variance shall submit a plan in substantial conformance with the requirements of the Board of Appeals.
- 10.4.7 **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of this Section.
- 10.4.8 **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for applications for variances.
- 10.4.9 **Lapse.** Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse. The Board of Appeals, in its discretion and upon the written application of the Applicant, may extend the time for exercise of the variance for a period not to exceed six (6) months provided that the application for such extension is filed with the Board of Appeals prior to the expiration of the one (1) year period. If the request for an extension

is not granted, the variance may be reestablished only after notice and new hearing pursuant to M.G.L. Chapter 40A, Section 10.

10.5 REPETITIVE BYLAW AMENDMENT

- 10.5.1 **Repetitive Bylaw Amendment.** No proposed amendment to this Bylaw which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change has been recommended in the final report of the Planning Board to the Town Meeting.

ARTICLE 29

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by renumbering existing Section 7.3, SENIOR RESIDENTIAL DEVELOPMENT to a new Section 8.6:

8.6 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

- 8.6.1 **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.

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

8.6.2.1 Occupancy shall be limited to persons who have reached the age of fifty-five (55) years and their spouses residing with them, respectively, and any physically or mentally handicapped close relative of a person who has reached the age of fifty-five (55) years, residing with such person. For purposes hereof, "close relative" shall mean a parent, grandparent, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

8.6.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

8.6.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a common function.

8.6.2.4 No building shall have more than two (2) stories unless the topography of the land so permits three (3) stories provided that at least two (2) stories have entrances at ground level and all dwelling units shall have at least one (1) exterior wall entirely above ground level.

8.6.2.5 There shall be provided in all cases suitable means of access and egress to and from dwelling units for handicapped persons.

- 8.6.3 **Types of Permissible Dwellings.** The following types of dwellings may be authorized by special permit granted hereunder:

8.6.3.1 single-family detached houses;

8.6.3.2 two-family houses;

- 8.6.3.3 two-family semi-detached houses;
 - 8.6.3.4 townhouse-type dwelling units;
 - 8.6.3.5 garden apartments;
 - 8.6.3.6 duplex-over-duplex type dwelling units; or
 - 8.6.3.7 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.
- 8.6.4 **Specific Restrictions.** A SRD shall also be subject to the following specific restrictions:
- 8.6.4.1 The dwelling unit density shall not exceed sixteen (16) dwelling units per acre. To determine whether the dwelling unit density rate does not exceed this maximum, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer areas or dedicated to public ownership as open space shall be included. The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the Applicant.
 - 8.6.4.2 Front yard setbacks may be reduced to not less than twenty (20) feet. The minimum distance between detached buildings, including the distance to buildings permissible on adjacent properties, shall be thirty (30) feet or the height of the taller building, whichever is greater.
 - 8.6.4.3 There shall be provided at least one (1) off-street parking space for each bedroom in each dwelling unit (at least one (1) space for each unit), reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.
 - 8.6.4.4 The maximum permitted lot coverage for a SRD shall be thirty percent (30%), including roadways and parking areas.
 - 8.6.4.5 Any special permit granted hereunder shall incorporate by reference the site plan approval.
- 8.6.5 **Procedures.** An application for a special permit for a SRD shall be filed in accordance with the rules and regulations of the Planning Board.
- 8.6.6 **Plans.** An application for a special permit for a SRD shall submit a plan in conformance with the rules and regulations of the Planning Board.
- 8.6.7 **Decision.** A special permit for a SRD 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 characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 8.6.7.1 Impact on the quantity and quality of available housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities;
 - 8.6.7.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;
 - 8.6.7.3 Impact on the natural environment;
 - 8.6.7.4 Impact on vehicular and pedestrian movement and safety;
 - 8.6.7.5 Compatibility of the proposed development with the surrounding neighborhood.
- 8.6.8 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed SRD involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

ARTICLE 30

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by 1) renumbering existing Section 7.4, RESIDENTIAL RETIREMENT COMMUNITY to new Section 8.7 and by 2) inserting a new Subsection 8.7.3 entitled “Restrictions” as follows:

8.7 RESIDENTIAL RETIREMENT COMMUNITY (RRC)

- 8.7.1 **Special Permit Required.** A Residential Retirement Community shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.
- 8.7.2 **General.** A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored as a Coordinated Unit by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include a restorative care center/skilled nursing facility. A Coordinated Unit is a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include restorative care center/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.
- 8.7.3 **Restrictions.** A RRC shall be subject to the following restrictions:
- 8.7.3.1 **Age Limitation.** Occupancy of dwelling units shall be limited to persons who have reached the age of sixty-two (62) years and any close relative of a person who has reached the age of sixty-two (62) years, residing with such person. For purposes hereof, “close relative” shall mean a lineal ancestor, lineal descendant,

brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

- 8.7.3.2 **Lot Area.** The minimum lot area shall be five (5) acres.
- 8.7.3.3 **Lot Frontage.** The minimum lot frontage shall be one hundred sixty (160) feet.
- 8.7.3.4 **Building Height.** The maximum building height shall be five (5) stories, provided that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings.
- 8.7.3.5 **Density Limitation.** The total number of dwelling units within a RRC shall not exceed four and one-half (4½) dwelling units per acre or one and one-half (1½) nursing facility beds per acre.
- 8.7.4 **Procedures.** An application for a special permit for a RRC shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 8.7.5 **Plans.** An application for a special permit for a RRC shall submit a plan in conformance with the rules and regulations of the Board of Appeals.
- 8.7.6 **Decision.** A special permit for a RRC shall be granted by the Board of Appeals, 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 characteristics of the site, and of the proposal in relation to that site.
- 8.7.7 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

ARTICLE 31

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 16D. INTERIM DEVELOPMENT RATE CONTROL in its entirety.

ARTICLE 32

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 5.0 APPLICATION OF USE REGULATIONS; Section 17.0 ACCESSORY USES; and Section 18.0 NONCONFORMING USES AND STRUCTURES in their entirety and insert a new Section 4.0 APPLICATION OF USE REGULATIONS that reads as follows:

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized, nor shall any building or structure be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 **Table of Principal Uses.** The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

PRINCIPAL USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.1.3 Residential Uses												
4.1.3.1 Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.1.3.3 Two-Family Dwelling per Section 8.2	N	N	N	N	N	BA	N	N	N	N	N	N
4.1.3.4 Major Residential Development per Section 8.5	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N
4.1.3.5 Senior Residential Development per Section 8.6	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N
4.1.3.6 Residential Retirement Community per Section 8.7	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.3.7 Nursing or Convalescent Home	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.8 Assisted Living Residence	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.4 Exempt and Institutional Uses												
4.1.4.1 Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.3 Child Care Facility in new building	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.4.4 Child Care Facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.5 Use of land for the primary purpose of agriculture, horticulture or floriculture on a parcel of more than five (5) acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.6 Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five (5) acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.7 Municipal Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

PRINCIPAL USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.1.4 Exempt and Institutional Uses, continued												
4.1.4.8 Essential Services	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y	BA
4.1.4.9 Extension of existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.10 Public Utility	N	N	N	N	N	N	N	Y	Y	Y	Y	BA
4.1.5 Commercial Uses												
4.1.5.1 Non-Exempt Agricultural Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.2 Non-Exempt Farm Stand for wholesale or retail sale of products	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.1.5.3 Animal Clinic or Hospital	N	N	N	N	N	N	N	BA	BA	Y	BA	N
4.1.5.4 Funeral Home	N	N	N	N	N	N	N	BA	BA	BA	N	BA
4.1.5.5 Motel or Hotel on five (5) acres or more	N	N	N	N	N	N	N	N	N	N	BA	N
4.1.5.6 Retail sales and services, less than 8,000 square feet	N	N	N	N	N	N	N	Y ³	Y ³	Y ⁴	BA ²	N
4.1.5.7 Retail sales and services, 8,000 square feet or more	N	N	N	N	N	N	N	Y ³	Y ³	Y ⁴	N	N
4.1.5.8 Motor Vehicle Sales and Rental; other open air sales	N	N	N	N	N	N	N	N	N	BA	N	N
4.1.5.9 Motor Vehicle General Repairs and Body Repair	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.10 Motor Vehicle Light Service	N	N	N	N	N	N	N	BA	BA	BA	N	N
4.1.5.11 Restaurant, without entertainment	N	N	N	N	N	N	N	Y	Y	Y	BA ⁵	N
4.1.5.12 Restaurant, with entertainment	N	N	N	N	N	N	N	BA	BA	BA	N	N
4.1.5.13 Fast Order Food Establishment	N	N	N	N	N	N	N	N	N	BA ⁶	N	N
4.1.5.14 Kennel, Commercial	N	N	N	N	N	N	N	N	N	Y	BA	N
4.1.5.15 Business or Professional Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.1.5.16 Office of doctor or dentist not a resident on premises	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y
4.1.5.17 Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	N

PRINCIPAL USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.1.5 Commercial Uses, continued												
4.1.5.18 Commercial Recreation, Outdoor	N	N	N	N	N	N	N	N	N	BA	N	N
4.1.5.19 Commercial Recreation, Indoor	N	N	N	N	N	N	N	BA	BA	BA	BA	BA
4.1.5.20 Golf Course	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.21 Business Services	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.22 Personal Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.23 General Services Establishment	N	N	N	N	N	N	N	N	N	BA	N	N
4.1.5.24 Campground, wildlife preserve, fishing grounds operated not for profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.25 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	N
4.1.5.26 Printing/copy/publishing establishment, 4,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	N
4.1.5.27 Major Business Development per Section 7.2	N	N	N	N	N	N	N	PB	PB	PB	PB	PB
4.1.5.28 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	Y ⁷	Y ⁷	Y	Y	N
4.1.5.29 Building Trade Shop in an establishment with 8,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	N
4.1.5.30 Commercial laundry, dry cleaning, dye work, carpet cleaning	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.31 Public Communications Use	N	N	N	N	N	N	N	N	N	BA ⁸	BA ⁸	N
4.1.6 Industrial Uses												
4.1.6.1 Earth Material Removal per Section 7.1	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	N
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	N
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	N
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y

4.1.6.8 Self-Storage or Mini-Storage Facility	N	N	N	N	N	N	N	N	N	BA	BA	N
PRINCIPAL USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.1.7 Other Uses												
4.1.7.1 Commercial outdoor parking	N	N	N	N	N	N	N	BA	BA	BA	BA	N
4.1.7.2 Parking Garage	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.7.3 Drive-Through Service	N	N	N	N	N	N	N	BA	BA	BA	BA	BA
4.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Retail sales and services in an Industrial District are subject to conditions to be imposed by the Board of Appeals to assure that the activity chiefly serves the vicinity rather than a larger region, evidenced by the categories of sales and services offered, location and orientation of signage, and location of the business.
- 3 For only retail sales and services in the Local Business Districts that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses or live animals.
- 4 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses.
- 5 A Restaurant (which does not include a Fast Order Food Establishment) in an Industrial District can not exceed 4,000 square feet, subject to conditions to be imposed by the Board of Appeals to assure that the activity chiefly serves the vicinity rather than a larger region.
- 6 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- 7 A special permit from the Board of Appeals will be required if there is outdoor storage of equipment or materials.
- 8 Does not include wireless communications facilities.

4.3 ACCESSORY USES

4.3.1 **Table of Accessory Uses.** The Table of Accessory Uses designates which Accessory Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

ACCESSORY USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.3.2 Accessory Uses in All Districts												
4.3.2.1 Any use allowed in that district as a Principal Use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.2 Any use allowed in that district by special permit as a Principal Use, subject to the same conditions as a Principal Use.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.3 Uses, whether or not on the same premises as uses permitted as of right, accessory to uses permitted as of right, which are necessary in connection with scientific research or scientific development or related production.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.4 When associated with otherwise permitted agricultural operations on a lot with not more than five (5) acres, the following: (1) kennel, (2) salesroom or stand, (3) any building or structure devoted to productive agricultural use which, together with any other such buildings or structures on the premises, covers more than five hundred (500) square feet or contains more than five thousand (5,000) cubic feet.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.3 Accessory Uses in Residential Districts												
4.3.3.1 Private garage for not more than three (3) passenger motor vehicles (including not more than one (1) commercial vehicle).	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.2 The garaging or maintaining of more than three (3) passenger motor vehicles, or of more than one (1) commercial vehicle, but only where in connection with a Principal Use on the same premises.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.3 Private greenhouse, stable, tool shed, playhouse, tennis court, swimming pool, or other similar building or structure for domestic use. Swimming pools shall be enclosed as required by the Massachusetts State Building Code, as amended from time to time.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.4 Raising or keeping of animals, livestock or poultry as pets or for use by the resident of the premises.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.5 Renting of rooms by a resident owner, or the furnishing of table board in a dwelling by the resident owner, to not more than three (3) persons other than members of the family.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.6 Office, studio or workroom for the conduct of a profession or customary home occupation, subject to the conditions in Subsections 4.4.1 through 4.4.2.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.7 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of less than thirty (30) feet length; one (1) inoperative passenger which has not been partially or wholly dismantled.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.8 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of thirty (30)	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N

feet length or more.

ACCESSORY USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.3.3 Accessory Uses in Residential Districts, continued												
4.3.3.9 Kennel or animal clinic or hospital, if located on the same premises as a dwelling unit and conducted by a resident thereof.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.10 Salesroom or stand for the sale of nursery, greenhouse, garden or other agricultural produce (including articles of home manufacture from such produce), but only where the major portion thereof is raised on the premises (or made from products so raised).	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.11 The use by a resident builder, carpenter, painter, plumber or other artisan for incidental work and storage in connection with this off-premise trade, subject to the conditions in Subsections 4.4.1 through 4.4.2.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.12 Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, subject to the conditions in Subsections 4.4.3 through 4.4.9.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.13 Family Day Care, Large	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.3.14 Family Day Care, Small	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
4.3.3.15 Adult Day Care Facility for no more than twenty (20) adult clients and operated by the owner of the premises	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N
4.3.4 Accessory Uses in All Nonresidential Districts												
4.3.4.1 Living quarters for necessary caretakers and watchmen	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.3.4.2 Transient accommodations for business visitors to the premises	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
4.3.5 Accessory Uses in Industrial and ARO Districts												
4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines dispensing food, soft drinks and incidental merchandise items; provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.	N	N	N	N	N	N	N	N	N	N	Y	BA
4.3.5.2 Display and sale of products of manufacturing activities conducted on the premises.	N	N	N	N	N	N	N	N	N	N	Y	N
4.3.5.3 Operations required to maintain or support any uses permitted in the Industrial District, if conducted on the same lot as the permitted use, such as maintenance and machine shops, power plants and keeping of animals.	N	N	N	N	N	N	N	N	N	N	Y	N

ACCESSORY USE	DISTRICTS											
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	ARO
4.3.5 Accessory Uses in Industrial and ARO Districts, continued												
4.3.5.4 Parking Garage	N	N	N	N	N	N	N	N	N	N	Y	BA

4.4 NOTES FOR TABLE OF ACCESSORY USES

4.4.1 **Home Occupations.** Home Occupations may include, but are not limited to, the office of a physician, dentist, attorney, architect, engineer, real estate agent or insurance agent, the studio of an artist, musician or teacher, or the workroom of a dressmaker, milliner and photographer.

4.4.2 **Conditions.** Home Occupations are subject to the following conditions:

4.4.2.1 Not more than two (2) persons other than the residents of the premises shall be regularly employed thereon in connection with such use;

4.4.2.2 No stock in trade shall be regularly maintained except for products of the occupation itself, or for goods or materials customarily used incidental to its performance;

4.4.2.3 Such use shall not produce noise or other effects observable at the lot lines in amounts exceeding those normal to residential property;

4.4.2.4 No external change shall be made which alters the residential appearance of the buildings or structures on the premises; and

4.4.2.5 There shall be no exterior display or other outward evidence that the premises are being used for any purpose other than residential (except for a sign as herein permitted).

4.4.3 **Accessory Apartments.** Accessory Apartments are subject to the following conditions:

4.4.3.1 The principal dwelling or accessory building or structure to be altered or constructed to include an accessory apartment shall be a single family dwelling or building accessory thereto that conforms to all applicable provisions of this Bylaw and which is located on a lot fully conforming to all applicable provisions of this Bylaw.

4.4.3.2 The principal dwelling or accessory building or structure to be altered or constructed shall maintain the appearance of a single family structure.

4.4.3.3 The owner of the principal dwelling shall be comprised of one or more individuals who constitute a family, who holds title directly or indirectly to such dwelling, and for whom such dwelling is the primary residence for voting and tax purposes.

4.4.3.4 The accessory apartment shall contain not less than five hundred (500) square feet of habitable floor area, and the floor area of the accessory apartment shall not exceed either thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling is not changed or twenty-four percent (24%) in other cases. In no case shall the accessory apartment exceed nine hundred (900) square feet.

4.4.3.5 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated by the occupancy of the accessory apartment, in accordance with the requirements of the Board of Health.

- 4.4.3.6 Adequate provision shall be made for ingress and egress to the outside from the accessory apartment.
- 4.4.3.7 All stairways to second or third stories shall be enclosed within the exterior walls of the building in which the accessory apartment is located.
- 4.4.3.8 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space.
- 4.4.3.9 No parking space shall be located within a street right-of-way.
- 4.4.3.10 Where there are more than two (2) outdoor parking spaces, they shall be screened with evergreen or dense deciduous plantings, walls or fences or a combination thereof or other similar barriers. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.
- 4.4.3.11 Off-street parking shall be provided for each automobile used by an occupant of the principal dwelling or the accessory apartment.
- 4.4.3.12 There shall be no more than one (1) accessory apartment per lot.
- 4.4.4 **Maximum Number.** All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The maximum number of special permits to be issued shall be equal to one percent (1%) of the current number of households in Town.
- 4.4.5 **Other Permits.** No accessory apartment shall be constructed without the issuance of a building permit by the Building Inspector. No use as an accessory apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Inspector, shall be in effect. A certificate of occupancy shall not be issued unless the Building Inspector determines that the accessory apartment is in conformity with the special permit issued therefor and the provisions of this Bylaw.
- 4.4.6 **Owner Occupancy.** A certificate of occupancy shall be issued only to the owner of the principal dwelling or to an individual who has contracted to purchase the principal dwelling on a date within ninety (90) days following the date of application for a special permit hereunder (herein referred to as a "Prospective Purchaser Applicant"), and shall not be transferable. Upon a special permit becoming null and void, the certificate of occupancy relating to the principal dwelling with respect to which such special permit shall have been issued shall automatically become null and void.
- 4.4.7 **Limit.** A special permit issued pursuant to this Section, whether to a Prospective Purchaser Applicant or otherwise, shall automatically become null and void upon the expiration of ninety (90) days following such time as the principal dwelling ceases to be occupied as the primary residence of the owner therefor for voting and tax purposes, or, in the case of a special permit issued to a Prospective Purchaser Applicant who shall not, within ninety (90) days following the date of such Applicant's application for a special permit hereunder, become an owner (or one of two or more persons comprising an owner) of the principal dwelling, meeting the requirements herein, upon the expiration of ninety (90) days following the date of such application.

4.4.8 **Renting of Rooms.** There shall be no renting of rooms and/or the furnishing of table board on any premises in which a special permit pursuant to this Section is in effect.

4.4.9 **Enforcement.** If there is not compliance with the conditions of the special permit pursuant to this Section, the Building Inspector shall enforce the provisions of this Bylaw.

4.5 **NONCONFORMING USES AND STRUCTURES**

4.5.1 **Applicability.** This Section shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. Chapter 40A, Section 5 at which this Bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

4.5.2 **Nonconforming Uses.** The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

4.5.2.1 Change or substantial extension of the use.

4.5.3 **Nonconforming Structures.** The Board of Appeals may grant a special permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

4.5.3.1 Reconstructed, extended or structurally changed.

4.5.3.2 Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

4.5.4 **New or Expansion of Nonconformity.** The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required setback, shall require the issuance of a special permit from the Board of Appeals.

4.5.5 **Nonconforming Single and Two-Family Residential Structures.** Nonconforming single and two-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

4.5.5.1 Alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient lot area, where the alteration will also comply with all of said current requirements.

- 4.5.5.2 Alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient lot frontage, where the alteration will also comply with all of said current requirements.
- 4.5.5.3 Alteration to a structure which encroaches upon one (1) or more required setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements regardless of whether the lot complies with current lot area and lot frontage requirements.
- 4.5.5.4 Alteration to the side or face of a structure which encroaches upon a required setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure regardless of whether the lot complies with current lot area and lot frontage requirements.
- 4.5.5.5 Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.
- 4.5.6 **Special Permit.** In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
- 4.5.7 **Abandonment or Non-use.** A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Bylaw.
- 4.5.8 **Reconstruction after Catastrophe or Voluntary Demolition.** Any nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions:
 - 4.5.8.1 Reconstruction of said premises shall commence within one (1) year after such catastrophe or demolition.
 - 4.5.8.2 Building as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure.
 - 4.5.8.3 In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.
- 4.5.9 **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

ARTICLE 33

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 20. SIGN REGULATIONS in its entirety and substitute the following therefor:

6.2 SIGNS

6.2.1 **Purpose.** The purpose of this Section is to:

- 6.2.1.1 promote the public safety and convenience of streets, highways, sidewalks and other pedestrian spaces, and public and private property within public view;
- 6.2.1.2 reduce distractions, hazards and obstructions from signage that will have an adverse impact on vehicular safety;
- 6.2.1.3 discourage excessive visual competition in signage;
- 6.2.1.4 ensure that signage will adequately aid communication and orientation, identify uses and activities, and express local history and character;
- 6.2.1.5 preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context.

6.2.2 **Definitions.** For the purposes of this Section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 2.0 of this Bylaw.

- 6.2.2.1 Awning Sign A sign painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or other area or space.
- 6.2.2.2 Banner Sign A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.
- 6.2.2.3 Billboard A freestanding sign larger than thirty-five (35) square feet or a wall sign covering more than ten percent (10%) of the area to which it is affixed.
- 6.2.2.4 Construction Sign An on-premises sign at a site under construction or to be developed to identify the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.
- 6.2.2.5 Directional Sign A sign limited to pedestrian and vehicular traffic instruction and/or direction or restrictions on the use of parking areas. "No Parking," "Entrance," "Exit" and "Additional Parking in the Rear" are examples of directional signs. No sign that identifies the occupant or use of the site shall be considered a directional sign.

- 6.2.2.6 Directory Sign A group of signs clustered together as a single structure or compositional unit to advertise occupants of the same building or building complex.
- 6.2.2.7 Facade The exterior surface of a building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space owned or leased by the occupant of the building.
- 6.2.2.8 Flag A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature. Official flags of governmental jurisdictions properly displayed and decorative flags on residences shall not be considered as signs for the purposes of this Section.
- 6.2.2.9 Flashing Sign A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. For purposes of this Section, no sign which only indicates the time, date and temperature shall be considered a flashing sign.
- 6.2.2.10 Freestanding Sign A sign structurally separate from a building or structure that is attached to or part of a self-supporting structure.
- 6.2.2.11 Illuminated Sign A sign illuminated by electricity, or other artificial light including reflective or phosphorescent light and shall include the location of the source of illumination.
- 6.2.2.12 Internally Illuminated Sign A sign which utilizes translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through.
- 6.2.2.13 Landmark Sign An older sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Commission.
- 6.2.2.14 Marquee Sign A sign painted on, or attached to, a sheltering structure of permanent construction projecting from and totally supported by the wall and/or the roof of a building.
- 6.2.2.15 Moveable Sign A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs, sandwich signs and A-frame signs.
- 6.2.2.16 Municipal Sign A sign installed by the Town.
- 6.2.2.17 Off-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises, or the business transacted on a premises or advertises the property itself or any part thereof for sale or lease which is located elsewhere than the premises where the sign is maintained. A billboard shall be considered an off-premises sign.

- 6.2.2.18 On-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises on which the sign is maintained, or the business transacted on a premises or advertises the property itself or any part thereof as for sale or lease.
- 6.2.2.19 Open House Sign A temporary sign announcing an open house during which an agent or owner will show property for sale or lease.
- 6.2.2.20 Projecting Sign A sign which is attached to or suspended from a building or structure and any part which extends more than six (6) inches from the wall surface of that building or structure.
- 6.2.2.21 Real Estate Sign A temporary sign advertising property being sold or leased.
- 6.2.2.22 Roof Sign A sign erected, constructed and maintained wholly upon, connected to or over the roof, gutter line, top of wall coping or parapet of any building or structure.
- 6.2.2.23 Sign Any temporary or permanent lettering, word, numeral, billboard, pictorial representation, display, emblem, trademark, device, banner, pennant, insignia or other figure of similar character, located outdoors or visible outdoors, attached to, painted on, or in any other manner represented on a building or other structure, and which is used to announce, direct, attract, advertise or promote.
- 6.2.2.24 Special Events Sign A temporary sign that advertises a charitable, nonprofit or civic event.
- 6.2.2.25 Temporary Sign A sign that is used temporarily and is not permanently mounted. Posters, construction signs, seasonal business signs, real estate signs, yard sale signs, special event signs, banner signs and open house signs are all considered to be temporary signs. Hand-held signs are excluded.
- 6.2.2.26 Wall Sign A sign painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.
- 6.2.2.27 Window Sign A sign consisting of individual letters or graphics painted or affixed to either side of the glass surface of a window or door or any interior sign designed to be visible from the exterior of a building or structure.
- 6.2.3 **Determination of Sign Area.** Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which encompasses all of the letters and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to

back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

- 6.2.4 **Sign Height.** No part of any sign or light illuminating a sign shall be at a height in excess of the Maximum Height as specified in Section 5.2, Table of Dimensional Requirements with respect to the height of the building or structure situated on the premises to which the sign relates. No part of any freestanding sign or any light illuminating a sign shall be higher than the highest point of any building or other structure on the premises on which such sign is located or if a vacant lot, at a height of no more than ten (10) feet above ground.
- 6.2.5 **Sign Setbacks.** Signs over one (1) square foot in area which are not temporary signs shall be set back at least fifteen (15) feet from the street line. Temporary signs in Nonresidential Districts shall be set back at least ten (10) feet from the street line.
- 6.2.6 **Permitted Signs in Residence Districts.** The following signs may be erected or maintained in Residential Districts provided such signs are in compliance with all conditions set forth in this Section. The calculation of maximum number of signs and maximum area of signs does not include directional signs.
- 6.2.6.1 The maximum number of signs shall not exceed one (1) exterior sign for each family residing on the premises, indicating the name of the owner or occupant and/or the address of the building, or pertaining to the accessory use.
- 6.2.6.2 The maximum area of each sign shall not exceed one (1) square foot.
- 6.2.6.3 The sign surface and supporting framework shall be wood or synthetic material made to resemble wood.
- 6.2.7 **Permitted Signs in Local Business Districts.** The following signs may be erected or maintained in Local Business A and Local Business B Districts provided such signs are in compliance with all conditions set forth in this Section. The calculation of maximum number of signs and maximum area of signs does not include directional signs, but does include awning signs, directory signs, freestanding signs, marquee signs, projecting signs wall signs and window signs.
- 6.2.7.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.
- 6.2.7.2 The maximum area of one (1) sign shall not exceed seventy-five (75) square feet.
- 6.2.7.3 The maximum area of all other signs shall not exceed twenty (20) square feet each or the total square footage of all signs shall not exceed ten percent (10%) of the facade of the commercial establishment, whichever is less.
- 6.2.7.4 The sign surface and supporting framework shall be wood, synthetic material made to resemble wood or an awning sign made of fabric. Synthetic materials may only be used for signs installed no less than eight (8) feet above ground level.
- 6.2.8 **Permitted Signs in Industrial, Highway Business and Administrative-Research-Office Districts.** The following signs may be erected or maintained in an Industrial, Highway Business and Administrative-Research-Office District provided such signs are in compliance with all

conditions set forth in this Section. The calculation of maximum number of signs and maximum area of signs shall not include directional signs, but does include awning signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs and window signs.

- 6.2.8.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.
- 6.2.8.2 The maximum area of one (1) sign shall not exceed one hundred (100) square feet.
- 6.2.8.3 The maximum area of all other signs shall not exceed thirty (30) square feet each or the total square footage of all signs shall not exceed fifteen percent (15%) of the facade of the commercial establishment, whichever is less.
- 6.2.8.4 The sign surface and supporting framework shall be of a material in compliance with the applicable provisions of the Massachusetts State Building Code.

6.2.9 Prohibited Signs in All Districts.

- 6.2.9.1 Billboards, flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners or other similar devices shall not be permitted in any District. Flags and bunting exhibited to commemorate national patriotic holidays and temporary special events banners announcing charitable, nonprofit or civic events are exempted from this provision.
- 6.2.9.2 Any off-premises sign or any sign advertising a defunct commercial establishment or organization is not permitted; provided, however, that landmark signs may be preserved and maintained even if they no longer pertain to the present use of the premises.
- 6.2.9.3 No sign except for a traffic, regulatory or informational sign shall use the words “stop”, “caution”, or “danger” or shall incorporate red, amber or green lights resembling traffic signals or shall resemble “stop” or “yield” signs in shape and color.
- 6.2.9.4 Moveable signs shall not be permitted in any District.
- 6.2.9.5 Roof signs shall not be permitted in any District.
- 6.2.9.6 Except as provided herein, no sign or sign structure shall project or extend over a public way, including sidewalks.

6.2.10 Illumination in Residence, Local Business and Administrative-Research-Office Districts.

Illumination of a sign shall be by steady white light which shall be properly shielded. Internally illuminated signs shall not be permitted.

6.2.11 Illumination in Highway Business and Industrial Districts. Illumination of a sign shall be by steady white light which shall be properly shielded or by internal illumination of only the lettering, wording or insignia within the sign.

6.2.12 Illumination and Movement Prohibited in All Districts.

- 6.2.12.1 Flashing signs shall not be permitted in any District. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such signs meet all other provisions of this Section.
- 6.2.12.2 Movement of a sign body or any segment thereof, such as rotating, revolving, moving up or down or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, shall not be permitted in any District.
- 6.2.12.3 No neon or external florescent lighting shall be permitted in any District.

6.2.13 Temporary Signs

- 6.2.13.1 All temporary signs must be installed with the permission of the property owner and must be removed within a specified period of time. Temporary signs are not to be attached to utility poles, fences, walls, trees or other vegetation or upon a public way. Temporary signs to be placed on Town property require the approval of the Board of Selectmen.
- 6.2.13.2 No temporary sign shall exceed twenty (20) square feet, unless otherwise provided herein.
- 6.2.13.3 There shall no more than two (2) temporary signs installed on a premises.
- 6.2.13.4 No temporary sign shall be installed more than three (3) feet above ground level.
- 6.2.13.5 In Nonresidential Districts, temporary construction and temporary real estate signs shall not exceed the following: thirty-two (32) square feet in the Industrial Districts; twenty-four (24) square feet in the Highway Business and ARO Districts; twelve (12) square feet in the Local Business Districts and six (6) square feet in Residential Districts.
- 6.2.13.6 In Nonresidential Districts, temporary construction signs may be maintained on the building or property during construction, and not more than thirty (30) days following the completion of said construction, but in no case longer than six (6) months unless such period is extended in writing for good cause by the Building Inspector. Temporary real estate signs shall be removed by the owner or agent within thirty (30) days of conveyance.
- 6.2.13.7 Political signs are permitted in all Districts.
- 6.2.13.8 Temporary banners may be erected across public ways with the prior written permission of the Board of Selectmen upon such terms and conditions as it shall determine, including size, location and design.
- 6.2.13.9 Temporary special events signs are permitted for a period of time not to exceed fourteen (14) consecutive days prior to the advertised event. All said temporary signs shall be removed within two (2) days after such event.
- 6.2.13.10 In Residential Districts, temporary real estate signs shall not exceed six (6)

square feet. Such signs shall advertise only the property on which the sign is located. A maximum of two (2) such signs may be maintained on any property being sold or leased and they shall be removed by the owner or agent within thirty (30) days of conveyance.

6.2.13.11 Open house signs shall be located only on the property which is for sale, and/or at nearby intersections to guide potential buyers to that location during the hours of the open house.

6.2.13.12 Yard sale signs shall not exceed six (6) square feet in area and shall be removed within twenty-four (24) hours after the sale.

6.2.13.13 Temporary signs shall not be illuminated.

6.2.14 Off-Premises Signs.

6.2.14.1 Off-premises commercial signs and off-premises commercial directional signs shall not be permitted in any District.

6.2.14.2 Off-premises special events signs shall be permitted with permission of the property owner or Board of Selectmen for Town property and shall comply with all applicable temporary sign requirements.

6.2.15 Nonconforming Signs.

6.2.15.1 Nonconforming signs and sign structures may continue to be maintained but shall not be reconstructed, remodeled, relocated, reworded or redesigned unless it is brought into conformity with all provisions of this Zoning Bylaw.

6.2.15.2 Nothing in this Section shall be deemed to prevent the repair and maintenance of a nonconforming sign including general maintenance, repainting and replacement of inoperative or deteriorated parts of the sign face. Supporting structures for nonconforming signs may be replaced, providing that such replacement brings the structure into more conformity as to height, setback and other requirements.

6.2.15.3 A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after it is shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action brings the sign and sign structure into conformity with all provisions of this Zoning Bylaw.

6.2.15.4 A nonconforming sign or sign structure shall be removed within thirty (30) days if the building or structure containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the appraised value of the building.

6.2.16 Municipal Signs. Municipal signs are exempt from the provisions of this Section.

6.2.17 Special Permit. The Board of Appeals may grant a special permit for a sign that exceeds the

maximum requirements of area of signs, and number of signs allowed as specified herein and minimum setback requirements as specified in Section 5.2, Table of Dimensional Requirements provided that the sign is otherwise in compliance with all other provisions of this Section and provided further that the Board of Appeals makes the following findings:

- 6.2.17.1 Applicant has adequately demonstrated that compliance with the provisions of this Section will be an undue hardship;
 - 6.2.17.2 Sign scale is determined to be in reasonable relation to the scale of the building or structure and the sizes of signs on nearby structures;
 - 6.2.17.3 Sign size, shape and placement serves to define or enhance architectural elements of the building or structure such as columns, sill lines, cornices and roof edges;
 - 6.2.17.4 Sign design is harmonious with other signage on the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials;
 - 6.2.17.5 Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, and surrounding neighborhood;
 - 6.2.17.6 Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.
- 6.2.18 **Sign Permits.** No sign shall be erected, displayed, altered or enlarged until a permit for such action has been issued by the Building Inspector. Applications may be filed by the owner of the land, building or structure, or any person who has the authority to erect a sign on the premises. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems and location with all relevant measurements. The Building Inspector shall act within thirty (30) days of receipt of such application and required fee. Sign permits shall be issued only if the Building Inspector determines that the sign is in compliance with all provisions of this Section and the State Building Code. Directional signs, landmark signs, open house signs, public service signs, special event signs, real estate signs and yard sale signs shall not require a sign permit.
- 6.2.19 **Maintenance.** All signs and support structures shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. The Building Inspector may order the repair of a sign that is not secure, safe or in good state of repair by written notice to the owner. If the defect in the sign is not corrected within thirty (30) days of said written notice, the Building Inspector may order the removal of the sign or impose fines as specified pursuant to Section 10.1, Execution and Enforcement.
- 6.2.20 **Sign Removal.** Any sign which has been ordered removed by the Building Inspector or which is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within thirty (30) days of the written notice.

ARTICLE 34

The Finance Commission recommended and the Town voted 90 YES to 39 NO in favor of Indefinite Postponement of this Article.

(To see if the Town will vote to amend the appropriate Zoning Bylaws, and whatever other Town Ordinances and/or Bylaws to allow for the following signs and notifications:

The Town shall place at least two but no more than five Banners, approximately 3' by 30' in size, advertising all Town Elections and Town Meetings in locations, stretched across main thoroughfares in town, deemed by the Town to be the most appropriate locations to attract the highest visibility by the most Town citizens. The Banners are to be placed out no earlier than 11 days and no later than 9 days prior to each such event and only conveying information relating to the date, time and location of any such event and to be removed no later than two days following such event.)

ARTICLE 35

The Finance Commission recommended and the Town voted unanimously to transfer from the care, custody and control of the Board of Selectmen to the care, custody and control of the Conservation Commission, to be managed and controlled by the Conservation Commission in accordance with and for the purposes of M.G.L.A. Chapter 40,§8C, as amended, the following parcel of land:

A certain parcel of land in Westwood, Norfolk County, Commonwealth of Massachusetts shown as Lot 15 on a plan entitled “Plan of Land in Westwood, Massachusetts being a subdivision of Lot A2 as shown on Land Court Plan 12074B” by Paul N. Robinson Associates, Inc., dated October 26, 2002, which plan is filed as Land Court Plan 12075k.

Said premises having been conveyed to the Town of Westwood by deed of Ogden McClurg Hunnewell, Robert Cushman Hunnewell and James F. Hunnewell Jr., Trustees of the Sandy Valley Realty Trust, said deed being dated September 19, 2003 and recorded at the Norfolk County Registry of Deeds.

ARTICLE 36

The Finance Commission recommended and the Town voted unanimously to transfer from the care, custody and control of the Board of Selectmen to the care, custody and control of the Conservation Commission, to be managed and controlled by the Conservation Commission in accordance with and for the purposes of M.G.L.A. Chapter 40,§8C, as amended, the following parcel of land:

The land in Westwood, Norfolk County, Massachusetts being shown as Lot A on a certain plan of land filed in the records of the Norfolk County registry of Deeds in Plan Book 429 as Plan 203 of 1995, being entitled, “Layout of Cedar Hill estates definitive subdivision of land in Westwood, MA” dated 11-17-89 as revised through 10-28-94

Being the same premises conveyed to the grantors by deed of Wheelock Grant Development Corp., dated November 24, 2003.

ARTICLE 37

The Finance Commission recommended and the Town voted unanimously to transfer from the care, custody and control of the Board of Selectmen to the care, custody and control of the Conservation Commission, to be managed and controlled by the Conservation Commission in accordance with and for the purposes of M.G.L.A. Chapter 40,§8C, as amended, the following parcel of land:

The land in Westwood, Norfolk County, Massachusetts with the buildings and other improvements located thereon, shown as Parcel "B" on a plan of land entitled "Conifer Lane Definitive Subdivision Plan of Land Westwood, Mass." dated July 16, 1998, recorded with Norfolk Registry of Deeds as Plan No.706 of 1998, Plan Book 460 Sheets 1-7.

Being part of the premises conveyed to the grantors by deed of Robert N. Goldman, et ux, dated June 25, 1997 recorded with Norfolk Registry of Deeds in Book 11868 Page 657.

Containing 149,030 square feet more or less.

Said premises having been conveyed to the Town of Westwood by deed of William C. Lawrence and Catherine T. Lawrence, dated April 30, 1999 and recorded at the Norfolk County Registry of Deeds on May 5, 1999 as Document #068863.

The Planning Board reported verbally on all zoning articles.

ARTICLE 38

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 3. TYPES OF DISTRICTS in its entirety and substitute the following therefor:

SECTION 3.0 DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Bylaw, the Town of Westwood is hereby divided into the following types of districts:

3.1.1 Residential Districts:

- Single Residence A District (SRA)
- Single Residence B District (SRB)
- Single Residence C District (SRC)
- Single Residence D District (SRD)
- Single Residence E District (SRE)
- Special Residence District (SR)
- General Residence District (GR)

3.1.2 Nonresidential Districts:

- Local Business District A (LBA)
- Local Business District B (LBB)
- Administrative-Research-Office District (ARO)
- Highway Business District (HB)
- Industrial District (I)
- Industrial-Office District (IO)

3.1.3 Overlay Districts:

- Adult Uses Overlay District (AUOD)

Flood Area Overlay District (FAOD)
Planned Development Area Overlay District (PDAOD)
Water Resource Protection Overlay District (WRPOD)
Wireless Communications Overlay District (WCOD)

3.2 PURPOSES OF NONRESIDENTIAL DISTRICTS

- 3.2.1 **Local Business.** LBA and LBB Districts are intended as locations for businesses to serve the Town or nearby residential neighborhoods with convenience goods and services, managed so as to reflect proximity to residential environs.
- 3.2.2 **Administrative-Research-Office.** ARO Districts are intended as locations for businesses engaged in administrative, research and office activities or other uses which may have unusual requirements for space, light and air and which are clean and quiet and not detrimental to the residential use of adjacent property.
- 3.2.3 **Highway Business.** HB Districts are intended as locations for businesses to serve a larger market area from locations which abut or have access to major highways.
- 3.2.4 **Industrial.** I and IO Districts are intended as locations for businesses engaged in office, manufacturing, distribution, retail and restaurant activities.

ARTICLE 39

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 14. LOT SIZE REGULATIONS (a) through (f); Section 15(a). Lot Coverage; and Section 16. SETBACK AND YARD REQUIREMENTS in their entireties and substitute the following therefor:

SECTION 5.0 DIMENSIONAL REQUIREMENTS

5.1 GENERAL

In all Districts, no building or structure, except a one-story accessory building or structure of accessory use, shall be constructed on a lot unless said building or structure and lot are in conformance with the "Dimensional Requirements" specified in the table of Dimensional Requirements set forth herein for the district in which said building or structure and lot are located and no more than one building or structure constructed as a dwelling, or so used, shall be located on each such lot except as may otherwise be provided herein. In all Districts, no building or structure (except for a flag, utility or light pole) or swimming pool shall be constructed so as to be nearer to the street line or nearer to the side lines or rear line of its lot unless its location is in conformance with said Table. Nothing herein shall prevent the projection of eaves, chimneys or cornices not exceeding eighteen (18) inches in width, or of uncovered steps, window sills or belt courses into any minimum setback distances or other open space.

5.2 TABLE OF DIMENSIONAL REQUIREMENTS¹

DISTRICTS		DIMENSIONAL REQUIREMENTS								
		Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area ² (sq ft)	Minimum Front Setback ³ (feet)	Minimum Side Yard Setback ⁴ (feet)	Minimum Rear Yard Setback ⁴ (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
5.2.1	SRA	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.2	SRB	20,000	90	90	15,000	25	15 ⁵	30 ⁶	25	50
5.2.3	SRC	40,000	125	125	30,000	40	20 ⁷	30 ⁸	25	50
5.2.4	SRD	15,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.5	SRE	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.6	GR	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.7	SR	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.8	LBA	4,000	40	40	4,000	40	15 ⁹	15	25	80
5.2.9	LBB	4,000	40	40	4,000	25	15 ⁹	15	25	80
5.2.10	HB	10,000	100	100	10,000	50	15	15	50	80
5.2.11	I	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.12	IO	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.13	ARO	80,000	175	175	60,000	50	30 ¹²	30	30	50

ARTICLE 40

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to delete therefrom Section 13(a). HEIGHT REGULATIONS, Building/Structure Heights in its entirety and substitute the following therefor:

5.4 HEIGHT REGULATIONS

5.4.1 **Building/Structure Heights.** In all Districts, no building or structure shall be constructed so as to exceed in height the “Maximum Height” specified in the following table for the district in which said building is located.

DISTRICT	MAXIMUM HEIGHT
5.4.1.1 Single Residence General Residence	Twenty-five (25) feet plus one (1) foot for each additional foot by which: (i) the setback exceeds the minimum front setback distance, or (ii) the narrower side yard exceeds the minimum side yard setback distance, or (iii) the rear yard exceeds the minimum rear yard setback distance, whichever of the three additional distances is the smallest; provided the height shall not in any case exceed thirty-five (35) feet.
5.4.1.2 Local Business A and B	Thirty-six (36) feet.
5.4.1.3 Industrial	Seventy (70) feet and a maximum of five (5) stories; provided that the height shall not in any case exceed an elevation of one hundred seventy-eight and one-half (178½) feet above sea level.
5.4.1.4 Industrial-Office	Forty-two (42) feet and a maximum of three (3) stories unless a special permit authorizing a greater height is granted by the Planning Board; provided that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories and in no event shall any building or other structure exceeding sixty-five (65) feet in height be authorized. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings. In determining whether to grant such a special permit, the Planning Board shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw. Any additional height which is allowed in an Industrial District by special permit

5.4.1.5 Highway Business Administrative-Research-Office (except Residential Retirement Community)	shall be designed to relate harmoniously to the terrain and to the use, scale and architecture of existing buildings and to mitigate the visual impacts on surrounding non-industrial uses. The project proposal shall incorporate aesthetically-conscious design which promotes environmentally compatible uses, pervious surfaces and landscaped areas in exchange for the additional building height. Thirty-nine (39) feet unless a special permit authorizing a greater height is granted by the Board of Appeals; provided that in no event shall any building or other structure exceeding forty-five (45) feet in height be authorized. In determining whether to grant such a special permit, the Board of Appeals shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw.
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ARTICLE 41

The Finance Commission recommended and the Town voted unanimously to delete therefrom Section 11. OFF-STREET PARKING IN ALL DISTRICTS (a) in its entirety and substitute the following therefor:

SECTION 6.0 GENERAL REGULATIONS

6.1 OFF-STREET PARKING

- 6.1.1 **General.** No use or premises shall be made, authorized or extended, and no building or structure shall be erected or enlarged, unless there is provided for such use or extension, or for such building erection or enlargement, on the same lot as said use, extension, erection or enlargement, a parking area and loading and unloading spaces all with permanent surfacing (except in the case of a single residence), sufficient to serve the business conducted thereon, including provision for parking spaces for visitors, and for all persons employed in the building or in connection with said use without using adjacent streets therefor. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question. In Nonresidential Districts, no parking, loading and/or unloading area shall be so designed or located as to render necessary the backing of vehicles from such area onto a street.
- 6.1.2 **Table of Parking Requirements.** The following table of Minimum Number of Required Parking Spaces for Principal Uses sets forth minimum parking space requirements, provided, however, that fewer parking spaces may be authorized upon the grant of a special permit by the Planning Board in compliance with the provisions of this Section.

PRINCIPAL USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
6.1.3 Residential Uses	
6.1.3.1 Single-Family Dwelling	Two (2) spaces per dwelling unit
6.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	Two (2) spaces per dwelling unit
6.1.3.3 Two-Family Dwelling per Section 8.2	Two (2) spaces per dwelling unit
6.1.3.4 Major Residential Development per Section 8.5	Two (2) spaces per dwelling unit
6.1.3.5 Senior Residential Development per Section 8.6	One and a half (1½) spaces per dwelling unit
6.1.3.6 Residential Retirement Community per Section 8.7	One and a half (1½) spaces per dwelling unit
6.1.3.7 Nursing or Convalescent Home	One (1) space per each sleeping room for double or single occupancy, or where not so divided (as in a dormitory) one (1) space for each two beds
6.1.3.8 Assisted Living Residence	One (1) space per each sleeping room for double or single occupancy, or where not so divided (as in a dormitory) one (1) space for each two beds
6.1.4 Exempt and Institutional Uses	
6.1.4.1 Use of land or structures for religious purposes	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per employee
6.1.4.3 Child Care Facility in new building	One (1) space per employee and two (2) spaces per classroom
6.1.4.4 Child Care Facility in existing building	One (1) space per employee and two (2) spaces per classroom
6.1.4.5 Use of land for the primary purpose of agriculture, horticulture or floriculture on a parcel of more than five (5) acres in area	Not applicable
6.1.4.6 Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five (5) acres in area on which the facility is located	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
6.1.4.7 Municipal Facilities	Not applicable
6.1.4.8 Essential Services	One (1) space per employee
6.1.4.9 Extension of existing cemetery	Not applicable
6.1.4.10 Public Utility	One (1) space per employee
6.1.5 Commercial Uses	
6.1.5.1 Non-Exempt Agricultural Use	Not applicable
6.1.5.2 Non-Exempt Farm Stand for wholesale or retail sale of products	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
6.1.5.3 Animal Clinic or Hospital	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
6.1.5.4 Funeral Home	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.5.5 Motel or Hotel on five (5) acres or more	One (1) space per each sleeping room for double or single occupancy
6.1.5.6 Retail sales and services, less than 15,000 square feet	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
6.1.5.7 Retail sales and services, 15,000 square feet or more	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
6.1.5.8 Motor Vehicle Sales and Rental; other open air sales 6.1.5.9 Motor Vehicle General Repairs and Body Repair 6.1.5.10 Motor Vehicle Light Service	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.5.11 Restaurant without entertainment, less than 10,000 square feet 6.1.5.12 Restaurant with entertainment, 10,000 square feet or more 6.1.5.13 Restaurant with entertainment	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees
6.1.5.14 Fast Order Food Establishment	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench
6.1.5.15 Kennel, Commercial	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
6.1.5.16 Business or Professional Services Establishment	One (1) space for each three hundred thirty-three (333) 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
6.1.5.17 Office of doctor or dentist not a resident on premises 6.1.5.18 Bank, Financial Institution	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
6.1.5.19 Commercial Recreation, Outdoor 6.1.5.20 Commercial Recreation, Indoor 6.1.5.21 Golf Course	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.22 Business Services 6.1.5.23 Personal Services Establishment 6.1.5.24 General Services Establishment	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
6.1.5.25 Campground, wildlife preserve, fishing grounds operated not for profit	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.26 Printing/copy/publishing establishment, less than 4,000 square feet 6.1.5.27 Printing/copy/publishing establishment, 4,000 square feet or more	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.5.28 Major Business Development per Section 7.2	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.5.29 Building Trade Shop in an establishment with less than 8,000 square feet 6.1.5.30 Building Trade Shop in an establishment with 8,000 square feet or more	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
6.1.5.31 Commercial laundry, dry cleaning, dye work, carpet cleaning	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred

	(500) square feet of floor area
6.1.5.32 Public Communication Use	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.6 Industrial Uses	
6.1.6.1 Earth Material Removal per Section 7.1	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.
6.1.6.2 Light Manufacturing 6.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage 6.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage 6.1.6.5 Manufacturing	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.6.6 Junkyard or Automobile Graveyard	Not applicable
6.1.6.7 Research and Development 6.1.6.8 Self-Storage or Mini-Storage Facility	Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area
6.1.7 Other Uses	
6.1.7.1 Commercial outdoor parking	Not applicable
6.1.7.2 Parking Garage	Not applicable
6.1.7.3 Drive-Through Service	Not applicable
6.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years	Sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such cars in access drives or on streets near the premises in question.

ARTICLE 42

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 11. OFF-STREET PARKING IN ALL DISTRICTS (b) Joint and Mixed Uses and Use of Off-Site Municipal Parking in its entirety and substitute the following therefor:

- 6.1.9 **Joint Off-Street Parking in Nonresidential Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same lot or on contiguous lots all in one ownership, 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.
- 6.1.10 **Joint Off-Street Parking in Industrial and Industrial-Office Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same lot or on lots in one or separate ownership, 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. The shared joint off-street parking spaces shall be located on contiguous lots or on lots that are within six hundred (600) feet walking distance of the building entrance to be served. The permanent availability of said parking spaces must be adequately documented by the use of either a permanent easement, fee ownership of the off-street parking spaces or a long-term lease. The Planning Board may grant a special permit to reduce the total number of joint off-street parking spaces required pursuant to this Subsection upon the written determination that it finds the following:
- 6.1.10.1 the demand for the shared joint off-street parking spaces differs significantly by time of day according to use; and
- 6.1.10.2 the shared joint off-street parking spaces are not dedicated to another use during the time of day that the parking is required.

ARTICLE 43

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 11 OFF-STREET PARKING (a)(7) in its entirety and substitute the following therefor:

- 6.1.18.2 In a Highway Business District, the fifteen (15) feet nearest the frontage street within the front setback shall be free of parking and service areas. Said distance shall be landscaped with trees and shrubs appropriate to the area and the height and location of such landscaping shall be as required so as not to obstruct vehicular sight distances, entrances and exits.

ARTICLE 44

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw by deleting Section 12(e) Floor Area Ratio Limitation and substitute the following therefor:

- 6.5.1 **FAR Limitations in the Highway Business, Industrial-Office and Administrative-Research-Office Districts.** In the Highway Business, Industrial-Office and Administrative-Research-Office Districts, the floor area ratio (FAR) resulting from new construction, renovation or addition shall not exceed 0.4 on any lot, except that the Planning Board may grant a special permit for FAR not to exceed 0.8 upon its written determination, in addition to any other findings required under this Bylaw, that it meets the standards set forth in the decision criteria for a Major

Business Development in Section 7.2 of this Bylaw and its off-site impacts on traffic and housing needs will be mitigated or compensated as herein provided.

6.5.2 **FAR Limitations in the Industrial District.** In the Industrial District, the floor area ratio (FAR) resulting from new construction, renovation or addition shall not exceed 0.6 on any lot, except that the Planning Board may grant a special permit for FAR not to exceed 1.0 upon its written determination, in addition to any other findings required under this Bylaw, that it meets the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw and its off-site impacts on traffic and housing needs will be mitigated or compensated as herein provided.

6.5.3 **Traffic and Housing Impact Mitigation.**

6.5.3.1 **Traffic.** Applications for approval of an FAR exceeding 0.4 in the Highway Business, Industrial-Office and Administrative-Research-Office Districts and 0.6 in the Industrial District shall include a traffic impact study prepared consistent with study guidelines adopted and from time to time amended by the Planning Board. Such applications shall be approved only upon determination by the Planning Board that, based upon facilities as existing or committed to be improved by the Town or the Applicant, on no street or intersection will peak hour congestion fall below baseline traffic conditions as the result of projected traffic.

6.5.3.2 **Housing.** Applications for approval of an FAR exceeding 0.4 the Highway Business, Industrial-Office and Administrative-Research-Office Districts and 0.6 in the Industrial District shall include a housing impact study prepared consistent with study guidelines adopted and from time to time amended by the Planning Board. Such applications shall be approved only upon determination by the Planning Board that housing mitigation efforts proposed by the Applicant will be equivalent to provision of one (1) housing unit for each twelve (12) employees anticipated on the premises, such unit to be affordable to a household spending no more than thirty percent (30%) of an income at eighty percent (80%) of the then-current Boston PMSA median household income.

ARTICLE 45

Steve Rafsky moved to amend "4.1.2 of the Table of Principal Uses by moving footnote 2 from Section 4.1.5.12 to Section 4.1.5.7." This amendment was unanimously approved, after which the Town voted unanimously in favor of the article as amended, specifically to amend the Westwood Zoning Bylaw by deleting Section 5.0 APPLICATION OF USE REGULATIONS; and Section 17.1 through Section 17.5, inclusive, ACCESSORY USES in their entirety and insert a new Section 4.0 USE REGULATIONS that reads as follows:

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized, nor shall any building or

structure be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

- 4.1.2 **Table of Principal Uses.** The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.4 Exempt and Institutional Uses, continued													
4.1.4.8 Essential Services	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y	Y	BA
4.1.4.9 Extension of existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.10 Public Utility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	BA
4.1.5 Commercial Uses													
4.1.5.1 Non-Exempt Agricultural Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.2 Non-Exempt Farm Stand for wholesale or retail sale of products	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.5.3 Animal Clinic or Hospital	N	N	N	N	N	N	N	BA	BA	Y	BA	BA	N
4.1.5.4 Funeral Home	N	N	N	N	N	N	N	BA	BA	BA	N	N	BA
4.1.5.5 Motel or Hotel on five (5) acres or more	N	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.6 Retail sales and services, less than 15,000 square feet	N	N	N	N	N	N	N	Y ³	Y ³	Y ⁴	Y	Y	N
4.1.5.7 Retail sales and services, 15,000 square feet or more	N	N	N	N	N	N	N	Y ³	Y ³	Y ⁴	BA ²	BA ²	N
4.1.5.8 Motor Vehicle Sales and Rental; other open air sales	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.9 Motor Vehicle General Repairs and Body Repair	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.10 Motor Vehicle Light Service	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.11 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y ⁵	Y ⁵	N
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	Y	Y	Y	BA	BA	N
4.1.5.13 Restaurant with entertainment	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.14 Fast Order Food Establishment	N	N	N	N	N	N	N	N	N	BA ⁶	N	N	N
4.1.5.15 Kennel, Commercial	N	N	N	N	N	N	N	N	N	Y	BA	BA	N
4.1.5.16 Business or Professional Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.1.5.17 Office of doctor or dentist not a resident on premises	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.18 Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 Commercial Uses, continued													
4.1.5.19 Commercial Recreation, Outdoor	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.20 Commercial Recreation, Indoor	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA
4.1.5.21 Golf Course	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.22 Business Services	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.23 Personal Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.24 General Services Establishment	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.25 Campground, wildlife preserve, fishing grounds operated not for profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.26 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.27 Printing/copy/publishing establishment, 4,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.28 Major Business Development per Section 7.2	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB
4.1.5.29 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	Y ⁷	Y ⁷	Y	Y	Y	N
4.1.5.30 Building Trade Shop in an establishment with 8,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.31 Commercial laundry, dry cleaning, dye work, carpet cleaning	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.32 Public Communications Use	N	N	N	N	N	N	N	N	N	BA ⁸	BA ⁸	BA ⁸	N
4.1.6 Industrial Uses													
4.1.6.1 Earth Material Removal per Section 7.1	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

[illegible]

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- ¹ Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- ² Retail sales and services in the Industrial and Industrial-Office Districts between 15,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- ³ For only retail sales and services in the Local Business Districts that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses or live animals.
- ⁴ For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses.
- ⁵ A Restaurant (which does not include a Fast Order Food Establishment) in the Industrial and Industrial-Office Districts less than 10,000 square feet is a permitted use. A restaurant of more than 10,000 square feet shall require a special permit from the Board of Appeals.
- ⁶ In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- ⁷ A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.
- ⁸ Does not include wireless communications facilities.

4.3 ACCESSORY USES

- 4.3.1 **Table of Accessory Uses.** The Table of Accessory Uses designates which Accessory Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.2 Accessory Uses in All Districts													
4.3.2.1 Any use allowed in that district as a Principal Use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.2 Any use allowed in that district by special permit as a Principal Use, subject to the same conditions as a Principal Use.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.3 Uses, whether or not on the same premises as uses permitted as of right, accessory to uses permitted as of right, which are necessary in connection with scientific research or scientific development or related production.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.4 When associated with otherwise permitted agricultural operations on a lot with not more than five (5) acres, the following: (1) kennel, (2) salesroom or stand, (3) any building or structure devoted to productive agricultural use which, together with any other such buildings or structures on the premises, covers more than five hundred (500) square feet or contains more than five thousand (5,000) cubic feet.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.3 Accessory Uses in Residential Districts													
4.3.3.1 Private garage for not more than three (3) passenger motor vehicles (including not more than one (1) commercial vehicle).	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.2 The garaging or maintaining of more than three (3) passenger motor vehicles, or of more than one (1) commercial vehicle, but only where in connection with a Principal Use on the same premises.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.3 Private greenhouse, stable, tool shed, playhouse, tennis court, swimming pool, or other similar building or structure for domestic use. Swimming pools shall be enclosed as required by the Massachusetts State Building Code, as amended from time to time.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.4 Raising or keeping of animals, livestock or poultry as pets or for use by the resident of the premises.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.5 Renting of rooms by a resident owner, or the furnishing of table board in a dwelling by the resident owner, to not more than three (3) persons other than members of the family.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.6 Office, studio or workroom for the conduct of a profession or customary home occupation, subject to the conditions in Subsections 4.4.1 through 4.4.2.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.7 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of less than thirty (30) feet length; one (1) inoperative passenger which has not been partially or wholly dismantled.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.8 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of thirty (30) feet length or more.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N

[illegible]

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5 Accessory Uses in Industrial and ARO Districts, continued													
4.3.5.4 Parking Garage ²	N	N	N	N	N	N	N	N	N	Y	Y	Y	BA

4.4 NOTES FOR TABLE OF ACCESSORY USES

- ¹ Provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.
- ² The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Gross Floor Area.

ARTICLE 46

Steve Rafsky moved to amend the article by inserting "Section 9.5 shall apply only to projects authorized by special permit pursuant to Section 9.5.5." at the beginning of Section 9.5.4, after the word "applicability." This amendment was unanimously approved, after which the Town voted in favor of the article as amended by a two-thirds vote declared by the Moderator, specifically to amend the Westwood Zoning Bylaw by inserting the following:

9.5 PLANNED DEVELOPMENT AREA OVERLAY DISTRICT (PDAOD)

- 9.5.1 **Purpose.** The purpose of the Planned Development Area Overlay District (PDAOD) is as follows:
- 9.5.1.1 to encourage the development of a comprehensive project of appropriate scale in an area of undeveloped and underdeveloped parcels held in separate ownership;
 - 9.5.1.2 to provide a desirable mix of land uses, including office, retail, restaurants and personal service establishments that will serve Town residents and generate additional tax revenue;
 - 9.5.1.3 to promote creative, efficient and appropriate solutions to the development of sites with significant natural resource constraints, such as flooding.
- 9.5.2 **Location.** The PDAOD is herein established as an overlay district. The PDAOD shall include the area as shown on the Zoning Map.
- 9.5.3 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the PDAOD may be used for any purpose permitted as of right or by special permit in the underlying district.
- 9.5.4 **Applicability.** Section 9.5 shall apply only to projects authorized by special permit pursuant to Section 9.5.5. A project in the PDAOD may be authorized by special permit for any parcel or set of contiguous parcels held in common or separate ownership containing five (5) acres or more and located in the PDAOD. If the application for a PDAOD involves more than one ownership, each owner of land included on the plan shall be a party to the application and upon approval of the application, subject to its provisions.
- 9.5.5 **Special Permit Required.** A project in the PDAOD shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section. Application for any other special permits which may also be required and for which the Planning Board is the designated Special Permit Granting Authority may be consolidated with a PDAOD application and acted upon concurrently by the Planning Board. Special permits pursuant to Section 7.2,

Major Business Development (MBD) and Section 6.5, Floor Area Ratio Limitation shall not be required for a PDAOD application.

- 9.5.6 **Preferred Uses.** The following uses are deemed to be preferred uses in the PDAOD: business or professional offices; restaurants; retail and personal service establishments and banks and other financial institutions.
- 9.5.7 **Prohibited Uses.** The following uses are prohibited in the PDAOD: motor vehicle sales and rentals; motor vehicle general and body repairs; motor vehicle light service; warehouse, wholesale or distribution facilities; fast order food establishments and self-storage or mini-storage facilities.
- 9.5.8 **Alternative Regulations.** The following alternative regulations may be used for a project in the PDAOD rather than the regulations applicable to the underlying district as provided in Section 5.2, Table of Dimensional Regulations and Section 6.5, Floor Area Ratio Limitation:
- 9.5.8.1 The cumulative floor area ratio for a project in the PDAOD shall not exceed 0.8 and the floor area ratio for a single building within said project shall not exceed 1.0;
- 9.5.8.2 There shall be no minimum setback requirements; and
- 9.5.8.3 There shall be no minimum lot width, lot frontage and maximum lot coverage requirements.
- 9.5.9 **Conditions.** The following conditions shall apply in the PDAOD:
- 9.5.9.1 **Buffer Area.** Where a lot in the PDAOD abuts or is within twenty (20) feet of the boundary line of any Residential District, a buffer area shall be provided on all portions of said lot so abutting that shall be a minimum of fifty (50) feet wide. Said buffer area shall be used exclusively as a planting area so as to create a substantially sight impervious screen.
- 9.5.9.2 **Parking Requirements.** The minimum number of required parking spaces for each use within the proposed project shall be as required in Section 6.1, Off-Street Parking. Joint off-street parking shall be a use authorized by special permit in the PDAOD pursuant to said Section.
- 9.5.10 **Application Requirements.** An application for a special permit for a project in the PDAOD shall be accompanied by a site plan and all other application materials required for Section 7.2, Major Business Development and Section 6.5, Floor Area Ratio Limitation, if applicable.
- 9.5.11 **Decision.** A special permit for a project in the PDAOD shall be granted by the Planning Board only upon its written determination that the adverse effects of the proposed project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 9.5.11.1 ability of infrastructure as existing, or as committed by the Town or the Applicant to be improved, to serve the project adequately and safely without material deterioration in service to other locations;
 - 9.5.11.2 degree to which the project will increase the economic value of the site, generate employment opportunities and generate sustaining economic benefit to the Town;
 - 9.5.11.3 restoration of any degraded environmental resources, including waterways and contaminated soils;
 - 9.5.11.4 ability of the project to potentially link with adjoining sites in the PDAOD, particularly with respect to architectural compatibility, roadway alignments and pedestrian access;
 - 9.5.11.5 degree to which the project provides for effective flood mitigation and stormwater storage measures for the site and proximate residential properties; and
 - 9.5.11.6 buffering and screening from abutting residential properties.
- 7.2.6 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for special permits pursuant to this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

ARTICLE 47

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Zoning Map to 1) rezone the land located on Perwal Street and Providence Highway, shown as Assessor's Map 24, Parcels 82, 84, 85 and 86 from Industrial District to Industrial-Office District; and to 2) include the parcels as shown on Assessor's Map 23, Parcels 226, 227, 228, 229, 230, 231, 232, 233 and 235; Map 24, Parcels 001, 002, 003, 004 and 005 as part of the Planned Development Area Overlay District (PDAOD).

(At this time a motion to reconsider Article 25 was made, but failed on a voice vote.)

ARTICLE 48

The Finance Commission recommended and the Town voted unanimously in favor of Indefinite Postponement of this Article.

(“TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BYLAW OF THE TOWN OF WESTWOOD AS FOLLOWS, OR TAKE ANY OTHER ACTION THEREON:

“By amending Section 2.96 of the Zoning Bylaw, Special Permit Granting Authority, by inserting “Section 7.3.1,” immediately before “Section 9B” in the second (2nd) line of Section 2.96, and by inserting “Section 11(i)” immediately after “Section 9B” in the second (2nd) line of Section 2.96 of the Zoning Bylaw, in order to bring Section 2.96 into conformity with Sections 7.3.1 and 11(i) of the Zoning Bylaw;

“By amending footnote 3 following the table appearing in Section 14(a) of the Zoning Bylaw, relating to the Required Lot Area for a Residential Retirement Community in an Administrative-Research-Office District (ARO), so that it reads as follows: “But not more than twelve (12) dwelling units per acre or twenty-seven (27) nursing facility beds per acre.”;

“By amending Section 5.2 of the Zoning Bylaw, Residential Uses, so as to permit a “Residential retirement community per Section 7.4,” Use 5.2.5 in the Table of Principal Use Regulations of the Zoning Bylaw, and a “Convalescent or nursing home,” Use 5.2.7 in the Table of Principal Use Regulations of the Zoning Bylaw, in a Single Residence E District (E) by special permit from the Board of Appeals, but in each case only with respect to land in a Single Residence E District (E) situated within one thousand (1,000) feet of (i) an Administrative-Research-Office District (ARO), or (ii) a parcel of land on which a Residential Retirement Community, an Assisted Living Residence, a Convalescent or nursing home or a Nursing or Convalescent Home was situated on December 31, 2003, and so that Note (1) of the Notes for Table of Principal Use Regulations of the Zoning Bylaw applies to a Convalescent or nursing home in a Single Residence E District (E);

“By adding the following to the “Notes for Table of Principal Use Regulations” of the Zoning Bylaw as Note (9) thereof: “(9) But only with respect to land in a Single Residence E District (E) situated within one thousand (1,000) feet of (i) an Administrative-Research-Office District (ARO), or (ii) a parcel of land on which a Residential Retirement Community, an Assisted Living Residence, a Convalescent or nursing home or a Nursing or Convalescent Home was situated on December 31, 2003.”;

“By making conforming changes reflecting the foregoing in the Table of Principal Use Regulations of the Zoning Bylaw, as follows: substituting “BA(9)” for “N” in the column designated “SRE” in the line relating to the use designated “5.2.5 Residential retirement community per Section 7.4”, and substituting “BA(1)(9)” for “N” in the column designated “SRE” in the line relating to the use designated “5.2.7 Convalescent or nursing home”;

“By adding a period after the last word (said last word being the word “district”) of the first (1st) paragraph of Section 5.1 of the Zoning Bylaw (said first [1st] paragraph being the paragraph of Section 5.1 next preceding the paragraph thereof that begins with the words “The Table of Principal Use Regulations”), and by adding the following to Section 5.1 of the Zoning Bylaw as the final sentence of said first (1st) paragraph of Section 5.1: “For purposes hereof, any combination of two (2) or more of the following uses shall not be deemed to constitute more than one non-agricultural principal use: Senior residential development per Section 7.3; Residential retirement community per Section 7.4; Convalescent or nursing home; and Nursing or Convalescent Home.”; and

“By deleting the first (1st) paragraph of Section 14(a) of the Zoning Bylaw (said first (1st) paragraph being the paragraph of Section 14(a) next preceding the paragraph thereof beginning with the words “In all Districts”) and substituting therefor the following:

“(a) Lot Area, Minimum Non Wetland Area, Lot Frontage and Required Lot Width. In all Districts, no building or structure, except a one-story building or structure of accessory use, shall be constructed on a lot having less area than the “Required Lot Area,” or on a lot having less than the “Required Minimum Non Wetland Area,” being defined as land other than the fresh water wetlands as that term is defined in MGL Chapter 131, Section 40, or on a lot that does not front on at least one street for a distance of at least the “Required Lot Frontage,” all as specified for the applicable district in the following table. Except for buildings or structures constituting part of or used for or in connection with a Senior residential development per Section 7.3, a Residential retirement community per Section 7.4, a Convalescent or nursing home, or a Nursing or Convalescent Home, or any combination of two (2) or more of any of those

uses, no more than one building or structure constructed as a dwelling, or so used, shall be located on any lot.”)

ARTICLE 49

The Finance Commission recommended and the Town voted unanimously in favor of Indefinite Postponement of this Article.

(“TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BYLAW OF THE TOWN OF WESTWOOD (AS THE SAME MAY HAVE BEEN AMENDED BY ACTION AT THE 2004 ANNUAL TOWN MEETING) AS FOLLOWS, OR TAKE ANY OTHER ACTION THEREON:

“By amending Section 7.5.3.4 of the Zoning Bylaw so that it reads as follows: “Density Limitation. The total number of dwelling units within a RRC shall not exceed twelve (12) dwelling units per acre or twenty-seven (27) nursing facility beds per acre.”;

“By amending Section 5.2 of the Zoning Bylaw, Residential Uses, so as to permit a Residential Retirement Community per Section 7.5 and a Convalescent or Nursing Home in a Single Residence E District (E) by special permit from the Board of Appeals, but in each case only with respect to land in a Single Residence E District (E) situated within one thousand (1,000) feet of (i) an Administrative-Research-Office District (ARO), or (ii) a parcel of land on which a Residential Retirement Community, an Assisted Living Residence or a Convalescent or Nursing home was situated on December 31, 2003, and so that Note (1) of the Notes for Table of Principal Use Regulations applies to a Convalescent or Nursing Home in a Single Residence E District (E);

“By adding the following to the “Notes for Table of Principal Use Regulations as Note (9) thereof: “But only with respect to land in a Single Residence E District (E) situated within one thousand (1,000) feet of (i) an Administrative-Research-Office District (ARO), or (ii) a parcel of land on which a Residential Retirement Community, an Assisted Living Residence or a Convalescent or Nursing Home was situated on December 31, 2003.”;

“By making conforming changes reflecting the foregoing in the Table of Principal Use Regulations, as follows: substituting “BA(9)” for “N” in the column designated “SRE” in the line relating to a Residential Retirement Community per Section 7.5, and substituting “BA(1)(9)” for “N” in the column designated “SRE” in the line relating to a Convalescent or Nursing Home;

“By adding a period after the last word (said last word being the word “district”) of the first (1st) paragraph of Section 5.1 of the Zoning Bylaw (said first [1st] paragraph being the paragraph of Section 5.1 next preceding the paragraph thereof that begins with the words “The Table of Principal Use Regulations”), and by adding the following to Section 5.1 of the Zoning Bylaw as the final sentence of said first (1st) paragraph of Section 5.1: “For purposes hereof, any combination of two (2) or more of the following uses shall not be deemed to constitute more than one non-agricultural principal use: Senior Residential Development; Residential Retirement Community; and Convalescent or Nursing Home.”; and

“By deleting the first (1st) sentence of Section 4.1 of the Zoning Bylaw and substituting therefor the following two sentences: “In all Districts, no building or structure, except a one-story building or accessory structure, shall be constructed on a lot unless in conformance with the Table of Dimensional Requirements set forth in Section 4.2. Except for buildings or structures constituting part of or used for or in connection with a Senior Residential Development, a Residential Retirement Community, or a Convalescent or Nursing Home, or any combination of two (2) or more of any of those uses, no more than one building or structure constructed as a dwelling, or so used, shall be located on each such lot.”)

At 11:32 P.M., a motion was made, seconded and voted, all the business on the Warrant having been completed.

The meeting adjourned at 11:32 P.M., a motion having been so moved, seconded and voted.

Attest:

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Town Clerk