



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

POSTING DATE: January 19, 2016
NORFOLK, SS.

TO EITHER OF THE CONSTABLES IN THE TOWN OF WESTWOOD IN SAID COUNTY:

GREETING:

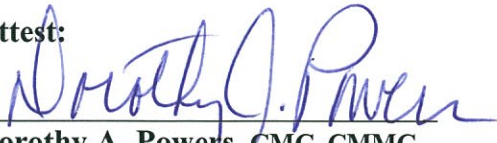
In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

This amendment was voted under Articles 10,11,12,13,14 and 15 of the Warrant for the 2015 Fall Annual Town Meeting, which meeting was held on November 9, 2015.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

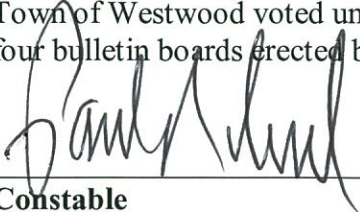
Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:

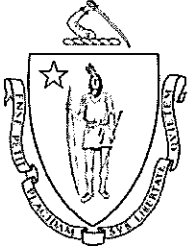


Dorothy A. Powers, CMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendment to the Bylaws of the Town of Westwood voted under the aforementioned articles of the 2015 Fall Annual Town Meeting on four bulletin boards erected by the town in public places in each of the four precincts of the Town.



Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

JAN 14 2016
TOWN CLERK
TOWN OF WESTWOOD
(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

January 14, 2016

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

**Re: Westwood Fall Annual Town Meeting of November 9, 2015 - Case # 7800
Warrant Articles # 10, 11, 12, 13, 14, and 15 (Zoning)**

Dear Ms. Powers:

Articles 10, 11, 12, 13, 14, and 15 - We approve Articles 10, 11, 12, 13, 14, and 15, and the maps pertaining to Articles 10, 11, and 15 from the November 9, 2015, Westwood Fall Annual Town Meeting. We will return the approved maps to you by regular mail. Our comments on Article 13 are provided below.

Article 13 - Article 13 amends the Town’s definitions section to include definitions for the terms “Large Scale Solar” and “Small Scale Solar.” “Large Scale Solar” is defined as “Any Solar Energy Facility which exceeds fifteen (15) kilowatts capacity.” “Small Scale Solar” is defined as “Any Solar Energy Facility which has a capacity of fifteen (15) kilowatts or less.” Article 13 also amends Sections 4.1.7.5 and 4.1.7.6 of the Town’s Table of Principal Uses to allow such uses in the Town. Specifically, Large Scale Solar is allowed as of right in the Town’s HB, I and IO Districts and by special permit in all of the Town’s other zoning districts. Small Scale Solar is allowed as of right in all of the Town’s zoning districts.

General Laws Chapter 40A, Section 3, protects solar energy systems and the building of structures that facilitate the collection of solar energy, and provides in pertinent part as follows:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

Pursuant to G.L. c. 40A, § 3, towns may not prohibit or unreasonably regulate the installation of solar energy systems, or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare. Article 13 cannot be applied in a manner that violates G.L. c. 40A, § 3. We suggest that the Town discuss the application of Article 13 with Town Counsel.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Thomas P. McCusker



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
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To Whom It May Concern:

I hereby certify the following action taken under Article 10 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 10. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Official Zoning Map, including a change in the zoning district designation for the rear portion of a split zoned parcel of land at 790 Gay Street shown on Assessor's Parcel 16 as Lot 5 from Single Residence E District to Single Residence A District so that the entire lot is within the Single Residence A zone.

Witness my hand and seal of the Town of Westwood this 19th day of January, 2016

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



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To Whom It May Concern:

I hereby certify the following action taken under Article 11 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 11. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Official Zoning Map, including a change in the zoning district designation for a parcel of land near 90 Deerfield Avenue shown on Assessor's Parcel 14 as Lot 95 from Single Residence E District to Single Residence C District.

Witness my hand and seal of the Town of Westwood this 19th day of January 19, 2016

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



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To Whom It May Concern:

I hereby certify the following action taken under Article 12 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 12. The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)]:

- 1) Add a new Section 9.5.8.4.2 to read as follows, and renumber subsequent sections, and references to those renumbered sections, as appropriate:
9.5.8.4.1 Age-restricted dwelling for persons 55 years and older;
- 2) Revise Section 9.5.13 to read as follows:
9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than thirty-three (33%) of the total gross floor area of any project within FMUOD 1, and no more than fifty percent (50%) of the total gross floor area of any project within FMUOD 3, FMUOD 6 or FMUOD 7, except that age-restricted dwelling units for persons 55-years old or older permitted within FMUOD 3 may occupy up to 100% of the total gross floor area of a project. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said residential units will have no significant negative fiscal impact on the town. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed the approved percentage of total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use. Residential units shall be located on upper stories unless the Planning Board determines that a combination of first floor and upper floor residential units are acceptable in a particular development.

Witness my hand and seal of the Town of Westwood this 19th day of January 19, 2016

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Westwood Town Clerk



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To Whom It May Concern:

I hereby certify the following action taken under Article 13 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 13. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] and to Section 4.1 [Principal Uses], including amendments related to solar energy facilities:

- 1) Delete the definition for the term "Commercial Scale Solar" and add a new definition for "Large Scale Solar" to read as follows:

Large Scale Solar Any Solar Energy Facility which exceeds fifteen (15) kilowatts capacity.

- 2) Delete the definition for the term "Non-commercial Scale Solar" and add a new definition for "Small Scale Solar" to read as follows:

Small Scale Solar Any Solar Energy Facility which has a capacity of fifteen (15) kilowatts or less.

- 3) Revise Section 4.1.7.5 to read as follows:

	SRA	SR B	SR C	SR D	SR E	GR	SR	LB A	LB B	HB	I	IO	AR O
4.1.7.5 Large Scale Solar	BA	BA	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	BA

- 4) Revise Section 4.1.7.6 to read as follows:

	SRA	SR B	SR C	SR D	SR E	GR	SR	LB A	LB B	HB	I	IO	AR O
4.1.7.6 Small Scale Solar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Witness my hand and seal of the Town of Westwood this 19th day of January 19, 2016

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To Whom It May Concern:

I hereby certify the following action taken under Article 14 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 14. The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to delete Section 5.5.7 [Creation of Ways] of the Westwood Zoning Bylaw in its entirety.

Witness my hand and seal of the Town of Westwood this 19th day of January 19, 2016

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



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To Whom It May Concern:

I hereby certify the following action taken under Article 15 of the Warrant for the Fall Annual Town Meeting held on November 9, 2015

Fall Annual Town Meeting, Article 15. The Finance and Warrant Commission recommended and the Town voted unanimously in favor declared by the Moderator to amend the Official Zoning Map by re-zoning the ~777 parcel of land on the border of Westwood and Dedham, known as Assessor's Map 17, Lot 175, from an undesignated zone to HB (Highway Business).

Witness my hand and seal of the Town of Westwood this 19th day of January 19, 2016

Attest:

Dorothy A. Powers

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk