

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

2015 FEB 17 A 9:47



TOWN CLERK  
TOWN OF WESTWOOD

The WESTWOOD PLANNING BOARD will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on Tuesday, March 10, 2015, at 8:00 PM in the Champagne Meeting Room at 50 Carby Street, Westwood, MA, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map:

**Article 10:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.5 [Street Access Special Permit], or take any other action in relation thereto:

- 1) Delete the existing Section 7.5 [Street Access Special Permit] in its entirety and add a new Section 7.5 [Street Access Special Permit] to read as follows:

**SECTION 7.5 STREET ACCESS SPECIAL PERMIT**

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

7.5.3.3 **Project Impact Report.** A detailed analysis of anticipated project-related impacts, including fiscal and public service impacts, and impacts to public infrastructure, including a description of any proposed public improvements which are proposed to be undertaken by the Applicant.

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

7.5.5 No Street Access Special Permit shall be granted unless the Planning Board finds that the adverse impacts of operations conducted under such special permit, subject to the conditions imposed thereby, will not outweigh its beneficial impacts on the Town or the neighborhood. In making such finding, the Planning Board shall consider whether or not the proposed development will:

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

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

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

7.5.5.4 Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land; or

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

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

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

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

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

7.5.6.2 The suitability of existing and proposed buffering and screening from nearby properties;

7.5.6.3 The proposed hours of operation of any non-residential or mixed-use activity; and

7.5.6.4 The timing and method of control of traffic entering and leaving the site.

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