

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



The WESTWOOD PLANNING BOARD will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on Tuesday, December 18, 2012, at 7:30 PM in the Downey School Cafeteria, 250 Downey Street, Westwood, MA, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map:

Article 1: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Overlay Districts, including the adoption of a new bylaw section entitled University Avenue Mixed-Use District (UAMUD), together with approval of a Master Development Plan and related materials, or take any other action in relation thereto;

Article 2: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.4 [Wireless Communication Overlay District (WCOD)], or take any other action in relation thereto;

Article 3: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.1 [Principal Uses], and related amendments to Section 2.0 [Definitions] and Section 6.1.5 [Parking Requirements for Commercial Uses], or take any other action in relation thereto;

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

John J. Wiggin, Chairman
Westwood Planning Board

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TOWN CLERK
TOWN OF WESTWOOD

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Article 1: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Overlay Districts, including the adoption of a new bylaw section entitled University Avenue Mixed Use District (UAMUD) as set forth below, together with approval of a Master Development Plan and related materials, or take any other action in relation thereto:

9.8. UNIVERSITY AVENUE MIXED USE DISTRICT (UAMUD)

9.8.1 **Purpose.** The University Avenue Mixed Use District (UAMUD) is an overlay district established to encourage the development of mixed use projects in an area that provides proximate access to major highways and public transportation. The UAMUD provisions are intended to promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, that will address Town and regional interests in additional employment, housing, and net tax revenue.

9.8.2 **Location.** The UAMUD boundary is as shown on a map of land entitled “University Avenue Mixed Use District,” filed with the Town Clerk, which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this Bylaw.

9.8.3 **Master Development Plan.** All projects developed pursuant to this Section 9.8 must have a Master Development Plan adopted by a two-thirds vote of a town meeting in accordance with the procedures for adoption or change of zoning ordinances or by-laws set forth in M.G.L. c. 40A, § 5.

9.8.3.1. **Plan Requirements.** The package of Master Development Plan materials submitted for approval at Town Meeting shall include the following information, which shall be on file with the Town Clerk and available for review:

- (a) The area of land proposed to be developed under the UAMUD regulations, which may be less than the total area of the applicable lot(s).
- (b) The topography of the land to be developed.
- (c) The location of wetlands and water bodies, if any.
- (d) The location and width of existing and proposed roads and ways serving the land to be developed, together with a description of the means by which the proposed roads and ways are to be laid out, including whether such roads and ways are to be created through the Subdivision Control Law and/or as public ways to be laid out through town meeting approval.

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- (e) Bicycle and pedestrian pathways, including the expected circulation routes.
- (f) The location and size of all buffer areas.
- (g) The location of permissible building areas, with the following indicated for each: anticipated Use Type(s) (as defined in Section 9.8.4), together with any designated Flexible Use Areas (as defined in Section 9.8.4); maximum number of stories/building height for each use; maximum floor area ratio; overall parking ratios for each use; and aggregate maximum developable gross floor area for each use category for the entire project.
- (h) The location of dedicated open space/recreational areas.
- (i) Illustrated descriptions of amenities and design features, such as streetscape improvements and signage, to be included as part of the proposed development.
- (j) Illustrations of the general architecture of the proposed structures.
- (k) Accompanying technical reports and studies, consisting of a stormwater and drainage report, fiscal and residential impact study, traffic study, and utilities report, including documentation that any proposed work within the Water Resources Protection Overlay District (WRPOD) complies with the requirements of Section 9.8.8.15.
- (l) A list of proposed exceptions, if any, from Sections 9.8.4.1 through 9.8.4.3 and Section 9.8.5.1.
- (m) With respect to the proposed core development area (the “Core Development Area”), the Master Development Plan shall show the following additional detail (and such additional detail shall be provided, to the extent available, for other portions of the Master Development Plan to facilitate the issuance of a Consistency Determination):
 - The location of the Core Development Area, together with the approximate location of buildings within that area;
 - Layout of parking, pedestrian, and landscaped areas;
 - Architectural elevations of the buildings; and
 - With respect to any proposed residential development, the approximate (i) location of residential building(s),

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(ii) total number of units allocated by bedroom type and rental/condominium structure, and (iii) number of affordable units.

- (n) A summary of the proposed mitigation and traffic improvements, exactions, financial contributions, easements, land grants, alternative affordable housing arrangements (if applicable), and other items to be addressed through the Development Agreement required to be entered into with the Town.

As used in this Section 9.8, the term “UAMUD project” refers to the project that is depicted on the Master Development Plan. Notwithstanding the fact that additional details regarding the Core Development Area are included within the Master Development Plan package, the entire UAMUD project as shown on the Master Development Plan shall be subject, without distinction among individual development components, to the rights and requirements of this Section 9.8.

- 9.8.3.2. **Inconsistency between Master Development Plan and Bylaw.** To the extent that the approved Master Development Plan is not consistent with the standards and requirements of this Section 9.8, the Master Development Plan, as approved at the Town Meeting, shall be deemed to supersede any contrary provisions under this Section 9.8.

However, in the case of any inconsistency with the dimensional and use requirements set forth in Sections 9.8.4.1 through 9.8.4.3 and Section 9.8.5.1, such inconsistency must be identified in the list of proposed exceptions submitted under Section 9.8.3.1(l), above. In the event that the use or dimensional inconsistency is not identified on such list, the Planning Board shall make a determination at an administrative meeting of the Board as to whether the inconsistency was sufficiently identified in the Master Development Plan package and/or during testimony of the developer during the public hearing process such that it should supersede any contrary provisions under this Section 9.8, and such determination shall be controlling.

- 9.8.4 **Permitted Uses.** The land and buildings shown on an approved Master Development Plan may be used for any use permitted as of right or by special permit within any the underlying zoning district and any use permitted as of right or by special permit within any FMUOD district as set forth in Section 9.5.8 of this Bylaw as of the date of adoption of this Section 9.8, and for all uses incidental to, or customarily used in connection with, such uses, provided that the applicable general Use Type(s) are shown on the approved Master Development Plan. For the purposes of this Section 9.8, the following UAMUD “Use Types” shall be established and identified on the Master Development Plan where applicable:

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Retail/Service Uses shall be deemed to include all uses that involve the sale of goods and/or provision of services to the public, which uses are typically found in a shopping center or mixed-used development with a retail component. Examples of Retail/Service Uses shall include, without limitation, grocery stores, banks, department stores, general merchandise and electronics stores, self-storage facilities, pet stores, copy centers, sales and showroom space, home improvement stores, furniture stores, and fitness clubs.

Restaurant/Entertainment Uses shall be deemed to include all uses that involve preparation, service, and sale of meals for consumption by the public and/or that otherwise provide recreational or entertainment opportunities to the public. Examples of Restaurant/Entertainment Uses shall include, without limitation, sit down and take-out restaurants, music venues, mini golf, arcades, movie theatres, bowling alleys, and coffee shops.

Office/R&D Uses shall be deemed to include all uses that involve the provision of office space to individuals and businesses, including businesses that are involved in the production of equipment, apparatus, machines or other devices for research and development purposes, which uses are typically found in an office building or mixed-used development with an office component. Examples of Office/R&D Uses shall include, without limitation, data centers, professional offices, educational uses, medical offices and clinics, pharmaceutical research, technology and software development, and corporate offices.

Hotel/Residential Uses shall be deemed to include single and multi-family housing uses and more commercially-oriented lodging and senior housing uses. Examples of Hotel/Residential Uses shall include, without limitation, conventional and extended-stay hotels, single and multi-family housing, assisted living facilities, and nursing or convalescent facilities.

Municipal Uses shall be deemed to include all facilities that are owned or operated by or for benefit of the Town of Westwood or other governmental authority.

Flexible Use Areas shall be deemed to include other uses or combinations of uses otherwise permitted under this Section 9.8.4. Flexible Use Areas shall be shown on the Master Development Plan materials and are intended to facilitate substitution among non-residential uses, and, where appropriate, replacement of residential development with non-residential uses.

All individual uses shall be subject to the requirements of this Section 9.8.4 (including special permit requirements where applicable). In the event of an uncertainty as to whether an individual use is included within a Use Type, the Building Inspector or Town Planner shall make a determination as to whether such use is appropriately included. Multiple uses and Use Types may be contained within a single building or structure.

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Without limiting the foregoing, the following uses shall also be expressly permitted for any approved UAMUD project:

9.8.4.1 Additional principal uses, permitted as of right:

- (a) Commercial recreation, outdoor.
- (b) Fitness and health clubs.
- (c) Commercial recreation, indoor, except as otherwise set forth in Section 9.8.4.2(a).
- (d) General office uses.
- (e) General services establishment.
- (f) Parking garage as a principal use.
- (g) Senior housing such as a residential retirement community, assisted living facility, memory care facility, or nursing or convalescent home.
- (h) Data storage facility, which shall be defined as a building that houses mission-critical computing and communications systems and hardware that provide off-site record and tape storage, backup services, and data retrieval, delivery, and destruction services.

9.8.4.2 Additional principal uses, permitted upon obtaining a Special Permit from the Planning Board in accordance with Section 10.3 of the Bylaw:

- (a) Each of following “commercial recreation, indoor” uses, when measuring greater than 7,500 square feet in gross floor area, shall require a Special Permit: theatres (including movie theatres), dance halls, and concert halls.
- (b) High-end or specialized motor vehicle sales showroom, provided that vehicular service and maintenance is not performed on-site and vehicle inventory is stored off-site (except for showroom space).

9.8.4.3 **Accessory Uses.** Any use that is incidental to, or customarily used in connection with, any principal use permitted within the UAMUD also shall be permitted. An accessory use may be located on a different lot from its associated principle use provided that the accessory use remains reasonably proximate to the principle use. Without limiting the foregoing, the following accessory uses shall be permitted:

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- (a) Accessory outdoor display, storage, sales, and seating in connection with retail and restaurant uses, provided that the requirements of Section 9.8.5.3 are satisfied.
- (b) Upon the issuance of a special permit by the Planning Board pursuant to Section 10.3, an accessory fueling facility associated with a principal retail use, provided that no convenience store or auto repair uses shall be permitted in connection with an accessory fueling facility; provided further that, if such accessory fueling facility is located within the WRPOD, then the applicable special permit shall be issued pursuant to Sections 9.3.8 through 9.3.12 rather than Section 10.3, with the Planning Board designated as the special permit granting authority. The Planning Board shall apply the standards and requirements in Section 9.8.8.15 when considering any such WRPOD special permit request.
- (c) Automated Teller Machines (ATMs).
- (d) Accessory mobile automotive audio sales, service, and installation provided in connection with a principal retail use.
- (e) Uses within an office building that support office uses, including, without limitation, restaurants/cafes, dry cleaner drop-off service, and small-scale retail stores.
- (f) Upon the issuance of a special permit by the Planning Board pursuant to Section 10.3, accessory automotive tire, battery, and accessories sales, service, and installation provided in connection with a principal retail use, provided that no general repair of automobiles (including body work and oil/lubrication services) shall be permitted; provided further that, if such accessory automotive use is located within the WRPOD, then the applicable special permit shall be issued pursuant to Sections 9.3.8 through 9.3.12 rather than Section 10.3, with the Planning Board designated as the special permit granting authority. The Planning Board shall apply the standards and requirements in Section 9.8.8.15 when considering any such WRPOD special permit request.

In the event an accessory use is proposed not to be located on the same lot as the principal use and such location is not shown on the Master Development Plan, such accessory use shall require the Planning Board's determination, at an administrative meeting of the Board, that such accessory use is generally compatible with the surrounding development area.

9.8.4.4 **Residential Use Requirements.** The residential component(s) of an approved UAMUD project collectively shall occupy no more than one-third

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(1/3) of the aggregate land area within the UAMUD project, shall be appropriately integrated with the overall development through the use of sidewalks, crosswalks, and other pedestrian connections, and shall be of a scale and character that both enhances and complements the overall development and ensures the advancement of “smart growth” initiatives. In addition, for any UAMUD project that includes more than ten (10) new residential units, an affordability component shall be included that meets one of the following requirements:

- (a) A minimum of fifteen percent (15%) of total housing units (exclusive of nursing and convalescent units and senior, retirement, and assisted living units that do not qualify as affordable units under applicable regulations of the Massachusetts Department of Housing and Community Development [DHCD], but including assisted living facilities with independent dwelling units (i.e., dwelling units that have independent kitchens and bathrooms)); or
- (b) The approved development includes a discrete project component that qualifies for an affordable housing subsidy under applicable DHCD regulations (e.g., under current regulations, 25% of rental units are affordable), such that at least [] units of housing are applied towards the Town’s DHCD Subsidized Housing Inventory; or
- (c) The developer, as an alternative to (a) or (b) above, provides for each otherwise required Affordable Housing unit not included in the project either: (i) an affordable unit developed, preserved, or otherwise encumbered at an off-site location; or (ii) a payment to the Town’s Affordable Housing Trust Fund equal to \$ [] per unit of Affordable Housing required but not included within the approved project; or
- (d) Any such alternative affordable housing mechanism as may be set forth in the development agreement with the Town.
- (e) Following completion of the Core Development Area, no building permit shall be issued for a subsequent residential development (with the exception of townhomes or senior housing uses) if the developer has not yet commenced construction of, or completed, a non-residential use located within the development area shown on the Master Development Plan below (i.e., to the south/east of) University Avenue that includes ground floor retail with a connective pedestrian/open space component that connects or otherwise relates to the proposed residential development, unless the developer provides to the building inspector a binding written commitment that it shall, within no more than a 6-month period, seek a building permit for such non-residential use.

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For purposes of this Section 9.8.4.4, senior housing consisting of assisted living, nursing or convalescent care, and other similar facilities shall not be considered a residential use, with the exception of any such facilities that are independent dwelling units (i.e., dwelling units that have independent kitchens and bathrooms).

9.8.4.5 **Prohibited Uses.** Those uses not expressly permitted as of right or by special permit in the UAMUD under this Section 9.8.4 are prohibited, unless otherwise determined by the Building Inspector. Under no circumstances shall any portion of a UAMUD project be used for the following:

- (a) Landfills and open dumps (as defined in 310 CMR 19.006).
- (b) Landfilling of sludge and septage.
- (c) Automobile graveyards and junkyards, as defined in M.G.L. Chapter 140B, Section 1.
- (d) Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways, unless stored in a structure with an impermeable cover and floor sufficient to prevent generation of contaminated run-off or leachate.
- (e) 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 UAMUD project area.
- (f) Commercial earth removal or mining operations.
- (g) Warehouse, wholesale, or distribution facility with or without outdoor storage, but expressly excluding “warehouse”-type retail sales and home improvement stores, which uses shall be deemed expressly permitted retail uses.
- (h) Manufacturing or Light Manufacturing facility that involves outdoor storage or otherwise causes noxious impacts such as noise, odor, and/or vibration that adversely impact the surrounding UAMUD development area.

9.8.4.6 **Protection of Existing Uses.** Notwithstanding the approval of a Master Development Plan at a town meeting, the requirements of this Section 9.8 shall not apply to any existing building(s) within the Master Development Plan area unless such building(s) are redeveloped and changed in use as part of the UAMUD project.

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9.8.5 **Dimensional Standards and Requirements.** The alternative dimensional and other requirements set forth in this Section 9.8.5 shall be used for a UAMUD project rather than the requirements provided elsewhere in this Bylaw, including, without limitation: Section 5.2, Table of Dimensional Requirements; Section 5.3, Notes for Table of Dimensional Requirements; Section 5.4, Height Regulations; Section 5.5.4, Corner Clearance; Section 5.5.5, Uses within Setbacks; Section 5.5.6, Creation of Ways; Section 6.3.2, Buffer Areas in Nonresidential Districts; Section 6.3.9, Screening Standards; Section 6.5, Floor Area Ratio Limitation; and Section 7.1, Earth Material Movement.

9.8.5.1 Table of Dimensional Requirements

Minimum UAMUD Project Area	30 acres
Minimum Lot Area	15,000 square feet
Maximum Building Height*	
Residential	70 feet
Retail	60 feet
Office	70 feet
Hotel	80 feet
All Other Uses	50 feet
Maximum Floor Area Ratio**	1.2

* Unoccupied mechanical features such as chimneys, clock towers, ventilators, skylights, tanks, bulkheads, penthouses, antennae, green energy infrastructure, rooftop screening elements, and functional, decorative, or architectural features carried above the roof line are exempted from the limitations on building height provided they do not cover more than eighty percent (80%) of the roof area of the building. Upon issuance of a special permit by the Planning Board pursuant to Section 10.3, an increase in height of up to 120 feet shall be permitted in project areas located “below” (i.e., to the south/east of) University Avenue.

** The floor area ratio on individual lots within an approved UAMUD plan may exceed the limits set forth herein, provided that the aggregate floor area ratio of all lots on the approved plan otherwise complies with such limits. All floor area ratio calculations shall exclude all structured parking, loading, and maneuvering areas, and all interior mezzanine areas.

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- 9.8.5.2 The buffer and screening requirements set forth in Sections 6.3.2 through 6.3.10 of this Bylaw shall not be applicable. Instead, where a lot in the UAMUD project abuts or is within twenty (20) feet of the boundary line of any Residential District, a buffer area shall be provided on the portion of said lot abutting the Residential District that shall have a minimum width of one hundred (100) feet. Said buffer area shall be used to minimize visual impact on any adjacent residential uses through the use of plantings, berms, and/or fencing, or alternatively may be developed as a publicly accessible open space area with walkways and other opportunities for passive recreation.
- 9.8.5.3 Outdoor seating for retail use, restaurants, and other uses shall not be subject to Section 6.3.1, Enclosure Requirements in Highway Business and Industrial Districts. However, the following standards shall apply to all outdoor seating, sales, and display areas within an approved UAMUD project:
- (a) In all cases, sufficient clearance shall be maintained for safe and efficient public access along sidewalks, access drives, and roadways.
 - (b) Such areas shall be appropriately separated from streets and sidewalks by means of fencing, plantings, or other similar measures
 - (c) Outdoor sales and display areas shall be maintained in a neat and orderly condition at all times.

All proposed outdoor seating, sales, and display areas within an approved UAMUD project must be approved in advance by the Building Inspector and, once implemented, shall be reconfigured upon the request of the Building Inspector if necessary to address public safety issues.

- 9.8.5.4 More than one (1) building shall be permitted on any lot.
- 9.8.5.5 The owner of any lot shown on the approved Master Development Plan shall be entitled to lawfully divide such lot, including without limitation by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Ch. 41, Section 81P, provided that any such lot must have minimum frontage of 50 feet at the street line, without modifying the approved Master Development Plan and without the need for other approvals under this Bylaw. To the extent consistent with the Subdivision Control Law, M.G.L. c. 41, § 81K, et seq., lots within an approved UAMUD project may be separated by a public or private way.
- 9.8.5.6 Except where otherwise expressly provided in this Section 9.8.5, all dimensional requirements applicable to a UAMUD project shall be calculated across the entire approved UAMUD project area, irrespective of individual lot lines within the UAMUD development. Consistent with typical site configurations for larger, complex mixed-use developments, individual

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buildings within the UAMUD development may be located immediately adjacent to individual lot line boundaries. Without limiting the foregoing, there shall be no minimum corner clearance, lot width, setback requirements, minimum nonwetland area, maximum building coverage, maximum impervious surface, or lot coverage requirements for a project developed under this Section 9.8.

- 9.8.6 **Parking and Loading.** The alternative parking requirements set forth in this Section 9.8.6 shall be used for an approved UAMUD project rather than the requirements applicable to the underlying district as provided under applicable Planning Board regulations and/or elsewhere in this Bylaw (including, without limitation, Sections 6.1.1 through 6.1.26).
- 9.8.6.1 An approved UAMUD project may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where the developer's parking analysis, as performed by its licensed traffic engineer and accepted by the Planning Board, shows that fewer spaces are needed due to differing peak demands of uses within the development, transportation demand management (TDM) measures, and/or such other factors as may be applicable.
- 9.8.6.2 If accepted by the Planning Board as part of a Consistency Finding, shared off-street parking arrangements, which may include parking garages, shall be permitted and may be located on contiguous lots or on separate lots that are within the Master Development Plan area.
- 9.8.6.3 There shall be no minimum parking setback requirements as required in Section 6.1.18 except at any boundary line at the perimeter of the overall Master Development Plan area. The number of entrances and exits shall be the minimum necessary for safe and efficient traffic circulation.
- 9.8.6.4 Required parking lot landscaping (both internal and perimeter) for an approved UAMUD project shall be substantially as shown on the approved Master Development Plan.
- 9.8.6.5 Parking may be provided through any combination of at grade, on street, and/or structured parking facilities (both stand-alone and part of other buildings).
- 9.8.6.6 Sidewalks or multipurpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces, or other destination points within the development.
- 9.8.6.7 Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no

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trucks or other vehicles are parked on a public street while loading or unloading, or while waiting to load or unload.

9.8.7 **Signage.** The alternative sign requirements set forth in this Section 9.8.7 shall be used for an approved UAMUD project rather than the signage requirements applicable to the underlying district as provided elsewhere in this Bylaw. All signs shall be as defined in Section 9.5.11.1.

9.8.7.1 **Development Identification Sign.** An approved UAMUD project shall be allowed to install and maintain development identification signs in the vicinity of each substantial “gateway(s)” or entrance(s) to the project from neighboring streets (which signs may be installed at on-site and/or off-site locations). Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any occupants within the development. Development identification signs may have two (2) faces, each of which shall not exceed two hundred (200) square feet of copy area (excluding frame and borders). Development identification signs shall not exceed twenty-five (25) feet in height. Development identification signs shall include appropriate materials and landscaping to ensure an attractive entrance(s) to the development.

9.8.7.2 **Wall or Awning Signs.** Any combination of Wall Signs and Awning Signs shall be permitted such that the aggregate of all such Wall Signs and Awning Signs associated with each individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street facade. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Awning Signs shall have at least 8 feet clearance above the pedestrian grade.

9.8.7.3 **Projecting Signs.** One Projecting Sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed sixteen (16) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting Signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 6 feet from a building facade.

9.8.7.4 **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window Signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street facade. Logos and/or graphic representations shall be counted toward the maximum permitted sign area.

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- 9.8.7.5 **Directional Signs.** Directional Signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional Signs shall not exceed four (4) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional Signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.
- 9.8.7.6 **Way Finding Signs.** Way Finding Signs shall be allowed throughout a development, and may be allowed both on site and at off-premises locations. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic and pedestrian safety. Way Finding Signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All Way Finding Signs located throughout a development shall be consistent in material, color and lettering style. Way Finding Signs shall not contain individual business identification logos. Way Finding Signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.
- 9.8.7.7 **Directory Sign.** One or more Directory Signs shall be permitted at the project site. Directory Signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of eight (8) feet above ground.
- 9.8.7.8 **Temporary Construction Signs.** Temporary Construction Signs for both owners and occupants of lots within the approved Master Development Plan shall be permitted. Temporary Construction Signs shall not exceed thirty-two (32) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary Construction Signs shall be removed within thirty (30) days of the completion of construction.
- 9.8.7.9 **Prohibited Signs.** Roof signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.8.7.6), balloons, streamers, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any UAMUD project, except in connection with special events, seasonal displays, or other similar temporary uses. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such sign meets all other provisions of this Section 9.8.7.
- 9.8.7.10 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways,

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conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.

9.8.7.11 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, Awning Signs shall not be internally illuminated.

9.8.7.12 **Project-Specific Signage Alternative.** In recognition of the interrelated nature of signage systems in complex, mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, notwithstanding the provisions of Sections 9.8.7.1 through 9.8.7.11 of this Bylaw, the Planning Board may, as part of its Consistency Finding, approve an alternative signage package for the UAMUD project, provided that the Planning Board finds that the signage package submitted by the developer adequately addresses the needs of the development and traffic safety while appropriately balancing any impacts on the surrounding environment.

9.8.8 **Design and Performance Standards.** The following design and performance standards shall apply to UAMUD projects and shall, to the extent appropriate, generally be reflected on the approved Master Development Plan materials; provided that the Planning Board, in connection with issuing a Consistency Finding, shall have the authority to waive any such standards that it may deem unnecessary or otherwise inapplicable to the project as designed. The standards and requirements set forth in this Section 9.8.8 shall override any other applicable design, development, and performance standards and requirements imposed through or by reason of this Bylaw, including, without limitation, those contained in any rules and regulations or design standards adopted by the Planning Board pursuant to this Bylaw.

9.8.8.1 Building Design

- (a) **General.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing.
- (b) **Exterior Materials.** Exterior walls for the project shall use a combination of architectural masonry materials, including but not limited to brick, glass, stone, stucco, EIFS, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Colors shall be medium values of natural building materials such as earth, stone, etc.

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Extremes of colors shall not be used except as accents at entrances, etc.

- (c) **Facade Treatments.** To avoid long unbroken expanses of wall, the architecture shall incorporate, as appropriate, design features providing horizontal and vertical relief including projections, building jogs, elements of transparency or windows, architectural detailing, and changes in surface materials. The design of public entrance ways shall incorporate architectural features and elements to emphasize the entrance locations and interrupt long stretches of building facade. The facades of parking structures shall be designed to a standard of architectural finish consistent with other buildings within the project. All exterior walls shall be designed and finished with materials that maintain a consistent architectural character with adjoining buildings. Complementary use of public pedestrian spaces may also be considered as a contributory element.
- (d) **Relationships Among Structures and Components.** Buildings and parking structures shall be designed with common elements that both create a sense of unity and express a relationship to the interior (for example, using ornamentation to reflect floor levels). These elements may include the horizontal spacing of bays, columns, and windows; and the vertical alignment and spacing of floors. Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. Special attention shall be paid to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.
- (e) **Detailing.** Architectural detailing and surface textures and colors of adjoining components of the approved UAMUD project (for example, anchor stores, residential structures, and parking structures) should be related and contribute to an overall sense of cohesion within the project. While a variety of design treatments is encouraged to avoid monotony, individual components shall be designed to avoid overly strong contrasts.
- (f) **Rooftops.** Rooftop mechanical features, heating and air conditioning units, vents, stacks, mechanical penthouse(s) shall be screened to the extent practicable by use of parapet walls or similar elements.

9.8.8.2 **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service

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areas, truck loading areas, utility structures, trash/recycling areas and other elements of the project infrastructure shall be subject to reasonable visual mitigation requirements, including, but not limited to, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods necessary to assure an attractive visual environment.

- 9.8.8.3 **Utilities.** To the extent practicable, all utilities such as electricity, telephone, gas, and fiber optic cable shall be placed underground. All UAMUD developments, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.
- 9.8.8.4 **Land Uses and Common Areas.** To the extent appropriate, open space or publicly-accessible common areas shall be included within the development, to encourage pedestrian activity and to visually separate buildings or groups of buildings, particularly buildings housing different uses. When reasonably feasible, independently sited common areas shall be connected to other nearby open space and common areas by use of pathways and other similar pedestrian connections.
- 9.8.8.5 **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall be designed in accordance with applicable standards and sound engineering practice, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation.
- 9.8.8.6 **Circulation, Traffic Impact & Public Street Access.** An approved UAMUD development shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates varied transportation modes, both vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include pedestrian and bicycle circulation, when reasonably feasible. Review of site circulation shall include: entrances and approaches, ramps, walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated in a manner consistent with sound traffic engineering practice. Improvements designed to facilitate the use of alternative transportation, such as public transit accommodation where appropriate, bicycle racks, and directional signage, shall be provided.

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- 9.8.8.7 **Protection of Public Safety.** UAMUD projects shall be designed and located so as not to endanger their occupants or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles.
- 9.8.8.8 **Stormwater Management.** Stormwater management systems serving the proposed development shall be designed in conformance with the DEP Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs, and canopies in a manner that avoids adverse drainage impact on any neighboring property. A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts. Where space, topography, soils, and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems.
- 9.8.8.9 **Outdoor Lighting.** Lighting shall be designed so as to avoid any material light trespass and glare on adjacent neighborhoods, business areas, and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally-used areas shall be reduced after business hours. Wherever practical, the project shall incorporate lighting practices and systems that will reduce light pollution and conserve energy, while maintaining reasonable nighttime safety and security. Section 6.4 shall not be applicable to a UAMUD project.
- 9.8.8.10 **Mixed Uses and Activities.** An approved UAMUD project must contain a mix of uses. Developers are strongly encouraged to include a beneficial mix of commercial and non-commercial uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.
- 9.8.8.11 **Energy Efficiency.** Insofar as practicable, UAMUD projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- 9.8.8.12 **Public Gathering Areas.** An approved UAMUD development shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways,

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driveways, and parking surfaces. These public gathering areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties.

- 9.8.8.13 **Air Quality, Noise, Vibration, Etc.** The approved project, when open, shall comply with applicable DEP standards as to the project’s environmental impacts. Under no circumstances shall the project result in “noxious” impacts to the environment or the community, and the air quality, noise, and vibration impacts associated with the project shall be appropriate for the project and the character of surrounding uses, with the sole exception of any temporary impacts associated with public gatherings or special events, emergency and public safety vehicle operations, construction, and similar activities. Section 6.6 shall not be applicable to UAMUD projects.
- 9.8.8.14 **Construction Solid Waste Management.** The developer shall make arrangements for the disposal of tree stumps and debris resulting from construction, and shall arrange for appropriate on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- 9.8.8.15 **Water Quality.** Except as provided elsewhere in this Section 9.8, the requirements of this Section 9.8.8.15 shall apply in place of Section 9.3, Water Resource Protection Overlay District (WRPOD), to any portions of an approved UAMUD project located within the WRPOD:
- (a) Provided that the development complies with the requirements and standards set forth in this Section 9.8.8.15, all permitted principal and accessory uses as noted in Section 9.8.4, and all construction and grading activities (including roadways, utilities, and other infrastructure) required in connection therewith, shall be permitted within the WRPOD without requiring issuance of a special permit.
 - (b) Petroleum products in the fuel tanks of vehicles within parking structures within the UAMUD shall not be considered storage of liquid petroleum products or liquid hazardous materials.
 - (c) Minimum lot area shall be consistent with the minimum lot area requirement set forth in Section 9.8.5.1.
 - (d) All drainage shall meet the stormwater management standards adopted and as amended from time to time by DEP. The WRPOD is a “critical area” under these standards.
 - (e) No less than twenty percent (20%) of that portion of the lot area situated within a WRPOD shall be maintained as a vegetation area. Such vegetation may be provided within the approved UAMUD

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Master Development Plan area and/or areas outside such Master Development Plan area, but within the UAMUD, that are or will be subject to a recorded easement, restriction or covenant, or other appropriate instrument. If an approved UAMUD project includes areas within both the UAMUD and WRPOD, and if impervious materials cover more than fifteen percent (15%) of the portion of such area within the WRPOD, then all stormwater runoff from buildings shall be recharged within the UAMUD project area (in accordance with applicable DEP regulations), and all other runoff shall be required to comply with the stormwater management standards adopted by DEP.

- (f) Within the UAMUD, (1) the requirements for the recharge of storm drainage may be met across the aggregate of all land in lots within the approved plan area, but do not have to be met on each individual lot; and (2) the requirements for wastewater disposal may be met through a privately-operated wastewater treatment facility serving some or all lots within the approved plan area, provided that the facility is constructed, approved and operated in accordance with all applicable federal, state, and local laws.
- (g) Where the approved Master Development Plan area is located 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.
- (h) Liquid hazardous materials, as defined in M.G.L. Chapter 21E, shall be stored in the WRPOD only if stored in (i) underground tanks utilizing state-of-the-art containment technology or (ii) 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, or to storage or display of products in containers in connection with retail sales to consumers.

9.8.9 Administration

- 9.8.9.1 **Development Agreement.** An approved UAMUD project shall mitigate the impacts of the development to the satisfaction of the Town both through grants and incentives obtained from state and/or federal agencies and the developer's mitigation commitments and contributions. The mitigation and

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other general project commitments of the developer shall be memorialized in a Development Agreement entered into between the developer and the Board of Selectmen. No site work shall be conducted and no building permit shall be issued until the Development Agreement has been executed, without the prior approval of the Board of Selectmen.

- 9.8.9.2 **Phased Development.** An approved UAMUD project may be constructed in one or more phases, provided that such phased development complies with the requirements of Section 9.8.9.7. Upon the granting of a Consistency Finding for any individual phase of an approved UAMUD development, such phase shall be deemed to be in compliance with the requirements of this Bylaw at the time such finding is made, notwithstanding the status of any other phase of the development and/or any noncompliance of such other phase with the requirements of this Section 9.8.

The requirements of this Bylaw shall not be applied to the individual lots or ownership units within an approved UAMUD project, but shall be applied as if the entire plan area were a single conforming lot, whether or not the same is in single or multiple ownership. However, any violation of this Bylaw by an owner or occupant of a single lot or ownership unit or demised premises within an approved UAMUD project area shall not constitute a violation by any other owner or occupant.

- 9.8.9.3 **Relationship to Underlying Districts and Regulations.** The UAMUD is established as an overlay district superimposed over, rather than replacing, the applicable underlying zoning district(s). Except as otherwise noted in this Section 9.8, the provisions and requirements of other applicable overlay districts, including, without limitation, the MUOD (Section 9.6) and FMUOD (Section 9.5), and any rules and regulations or design standards of the Planning Board, shall not apply to any project developed pursuant to this Section 9.8. In the event of any conflict or inconsistency between the other provisions of this Bylaw and this Section 9.8, the provisions of this Section 9.8 shall prevail.

Except as provided elsewhere in this Section 9.8, special permit and similar approvals/criteria otherwise required under this Bylaw shall not be required for an approved UAMUD development, including, without limitation, any such approvals/criteria required pursuant to: Section 7.1, Earth Material Movement; Section 7.2, Major Business Development (MBD); Section 7.3, Environmental Impact Design Review (EIDR); Section 8.4, Senior Residential Development (SRD); Section 8.5, Residential Retirement Community (RRC); Section 9.2, Flood Area Overlay District; and Section 9.3, Water Resource Protection Overlay District.

Except as set forth in this Section 9.8, development of any or all lots within an approved Master Development Plan may be pursued under other

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applicable underlying zoning, overlay, or other regulations, subject to receipt of approvals, if any, required under such other regulations (e.g., issuance of a comprehensive permit by the Zoning Board of Appeals for any residential components developed pursuant to M.G.L. Ch. 40B) only if the Planning Board, in its discretion, votes to release the lot or lots from the Master Development Plan.

- 9.8.9.4 **Consistency Finding by Planning Board.** Following approval of a Master Development Plan for a UAMUD project by Town Meeting, and prior to issuance of a building permit for the approved project or any phase thereof, the developer shall submit its final development plans, together with any updated or supplemental site development materials, to the Planning Board for issuance of a Consistency Finding.
- (a) **Process.** Promptly following receipt of such materials, the Planning Board, with the participation of the developer, shall review the final plans and materials at an administrative meeting of the Planning Board. The developer may seek, and the Planning Board may issue, multiple Consistency Findings for different components of the approved Master Development Plan. The Planning Board's written report as to its approval or denial of a Consistency Finding shall be issued and filed with the Town Clerk within 60 days of submittal of the plans and materials by the developer, unless an extension of such timeframe is granted by the developer or the Planning Board determines that additional information is needed, without which it cannot make its finding, in which case the Planning Board shall issue its report within 60 days of the date by which the developer has provided all of the requested information.
 - (b) **Finding Requirements.** If, subject to Section 9.8.3, the Planning Board finds that (i) the final plans and materials are substantially consistent with the approved Master Development Plan materials and (ii) are otherwise compliant with the standards and requirements set forth in this Section 9.8 (as modified by the Master Development Plan), the Planning Board shall issue a favorable Consistency Finding. The issuance of a Consistency Finding for an approved UAMUD project, or any portion of the approved project, shall be conclusive evidence that such project (or the applicable portion of the project) has satisfied all applicable standards and requirements set forth in this Section 9.8 and elsewhere in this Bylaw.
 - (c) **Waivers.** In connection with issuing a Consistency Finding, the Planning Board, in its absolute discretion, may grant waivers from the requirements set forth in this Section 9.8, except for requirements pertaining to the Development Agreement, if it

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determines that such waivers will otherwise meet the performance and design standards set forth in this Section 9.8, and if, in its determination, such waivers will not have a significant adverse effect on the overall design and implementation of the Master Development Plan.

- (d) **Denial.** In the event that the Planning Board is unable to issue a Consistency Finding, the developer, the Planning Board, and staff of the Planning Department shall collaborate with respect to project modifications or conditions that would allow a Consistency Finding to be issued. In the event that such collaborative efforts, which efforts shall have continued for a minimum of 60 days, are unsuccessful, the Planning Board may elect to issue a report denying the Consistency Finding, which report shall state with specificity the reasons for the denial. Where the Planning Board denies the Consistency Finding, the developer shall either (i) withdraw the development proposal; (ii) modify its final development plans to make them consistent with the Planning Board's findings and submit the modified plans for a Consistency Finding; (iii) seek approval of a Project Change pursuant to Section 9.8.9.7; or (iv) seek an amendment of the Master Development Plan at town meeting to authorize the final development plans to be implemented as proposed.
- (e) **Supplemental Development Standards.** In issuing a Consistency Finding, the Planning Board may include, as part of its Finding report, certain supplemental development standards, requirements, safeguards, limitations, and specifications that address specific components of the approved development (e.g., lighting, signage, landscaping) not otherwise addressed in the Master Development Plan, and may include, if applicable, requirements for post-approval informational monitoring of certain development impacts (e.g., traffic).
- (f) **Enforcement.** The Westwood Building Inspector shall have jurisdiction to enforce compliance of the approved development with the standards and requirements of the Consistency Finding, both before and after construction, and may institute legal proceedings or take such other actions as are necessary to ensure compliance.

9.8.9.5 **Issuance of Building Permit.** Following issuance of a Consistency Finding by the Planning Board, the developer shall submit a copy of the Consistency Finding report to the Westwood Building Inspector, along with other required Building Permit application materials and fees, and a Building Permit may thereafter be issued for the approved project, or any individual component thereof, without the need for any further approvals under this Bylaw, except

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where this Section 9.8 specifically requires further approval. Building permits may be sought and issued for individual components of an approved project, and nothing in this Section 9.8 shall obligate the developer to construct all of the improvements shown on an approved Master Development Plan.

9.8.9.6 **Transfer of UAMUD Approvals.** UAMUD approval of a project, or any individual portion thereof, may be freely transferred between lots and between owners, provided that the transferee complies with the provisions of Section 9.8.9.7 with respect to any changes to the approved Master Development Plan.

9.8.9.7 **Project Changes.** Once a Master Development Plan has been approved at Town Meeting (or following issuance of a Consistency Finding, if applicable), minor plan modifications may, in the exercise of his or her absolute discretion, be approved administratively by the Town Planner, without the need for further Planning Board approval. The Town Planner may, in the exercise of his or her discretion, refer the proposed plan modification to the Planning Board for a determination as to whether the proposed modification is “minor” and, upon such determination, to approve or deny the proposed minor modification.

For purposes of this subsection, a plan modification is “minor” if the changes proposed:

- (a) Are substantially consistent with the requirements and standards set forth in this Section 9.8, as well as the approved Master Development Plan and/or Consistency Finding from which the modification is requested and do not have a significant adverse effect on the overall design and implementation of the Master Development Plan;
- (b) Do not increase or decrease by more than ten percent (10%) (i) the maximum gross floor area limitations for each category of use as noted in the approved Master Development Plan; or (ii) the land area included within the approved Master Development Plan; or (iii) the size of any individual permissible building area;
- (c) Do not increase or decrease by more than five percent (5%) the parking supply for the total development.
- (d) Do not materially change the design and operation of the stormwater system;
- (e) Do not increase projected vehicle trips by more than five percent (5%), if such increase would result in a reduction of level of service below LOS D that is not addressed with adequate traffic

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mitigation (as certified by the developer’s licensed traffic engineer);

- (f) Do not result in any decrease by more than five percent (5%) in the amount of approved landscaping, public gathering areas, or open space; and
- (g) Do not include any residential development units in excess of the limits identified on the Master Development Plan.

In the event the Town Planner or Planning Board determines that the proposed plan change is not minor, or in the event that the Town Planner or Planning Board exercises its discretion not to approve the minor plan change pursuant to this section, the developer shall be required either (a) to seek approval of a revised Master Development Plan by a majority vote at Town Meeting followed by a Consistency Determination from the Planning Board; or (b) to seek Environmental Impact and Design Review from the Planning Board pursuant to Section 7.3 of this Bylaw.

9.8.9.8 **Lapse.** A Master Development Plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the date of approval by Town Meeting. The Planning Board may extend such approval, for good cause, upon the written request of the applicant. Substantial use, including, without limitation, the filing of a building permit application for construction, of any portion of the approved Master Development Plan shall permanently vest the Master Development Plan and it shall not thereafter lapse for any reason.

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Article 2: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.4 [Wireless Communication Overlay District (WCOD)], as set forth below, or take any other action in relation thereto:

- 1) Replace the existing Section 9.4 [Wireless Communication Overlay District (WCOD)] with a new Section 9.4 [Wireless Communication Overlay District (WCOD)] to read as follows:

9.4 WIRELESS COMMUNICATION OVERLAY DISTRICT (WCOD)

9.4.1 **Purpose.** The purpose of the Wireless Communication Overlay District (WCOD) is to permit and regulate the use of wireless communication 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 in that the requirements of this section: (i) do not prohibit or have the effect of prohibiting the provision of wireless communication services; (ii) are not intended to discriminate unreasonably among providers of functionally equivalent services; and (iii) do not regulate wireless communication services on the basis of environmental effect of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions. 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.** Two distinct Wireless Communication Overlay Districts - WCOD 1 and WCOD2 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

9.4.2.1 **WCOD 1:** WCOD 1 shall comprise all land within the following zoning districts:

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

and also the following specific parcels, or discreet portions of parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2012:

- Parcel 14-046 (High Street Fire Station);
- Parcel 14-072 (Police Station);
- Parcel 14-094 (Deerfield School);
- Parcel 16-005 (Hanlon School);
- Parcel 21-048 (Westwood High School);

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Parcel 21-047 (Thurston Middle School);
Parcel 23-215 (Islington Fire Station and Morrison Field);
Parcel 24-135 (Downey School);
Parcel 28-077 (Sheehan School);
Parcel 28-059 (Buckmaster Pond, former quarry parcel only);
Parcel 28-078 (Sheehan Athletic Fields);
Parcel 35-089 (Martha Jones School); and
That abandoned portion of public right-of-way which extends from the
intersection of Grove Street and Country Club Road to Route 128.

9.4.2.2 **WCOD 2:** WCOD 2 shall comprise the following specific parcels, or
discreet portions of parcels, as shown on the Westwood Board of
Assessors' Map, as of January 1, 2012:

Parcel 04-001 (Hale Reservation, limited to existing utility easement);
Parcel 09-065 (Dedham-Westwood Water District water towers);
Parcel 14-071 (Town Hall);
Parcel 14-079 (Westwood Public Library);
Parcel 14-181 (Colburn School Building);
Parcel 14-096 (St. John's Episcopal Church);
Parcel 14-140 (First Baptist Church);
Parcel 16-250 (First Evangelical Free Church);
Parcel 16-238 (St. Denis Church);
Parcel 21-044 (St. Margaret Mary Church);
Parcel 21-050 (First Parish of Westwood United Church);
Parcel 21-064 (First Parish of Westwood United Church);
Parcel 23-189 (Islington Community Center); and
Parcel 28-329 (Temple Beth David).

9.4.3 **Definitions.** For the purposes of this Section, the following definitions shall apply:

9.4.3.1 **Wireless communication facility.** Any tower, pole, antenna, receiving or
transmitting equipment of any kind, and any equipment or structure
related to wireless communication activities such as cellular telephone
service, personal communication service (PCS), enhanced specialized
mobile radio service, paging, light radio, and any other functionally
equivalent service, including access ways, screening materials and
landscaping associated with said facility.

9.4.3.2 **Minor wireless communication facility.** A wireless communication
facility for which all components are located fully within an existing
building or structure, or fully within an addition to an existing building
which is approved pursuant to a WCOD Special Permit, and are not
visible from the exterior of said building or structure, or for which any
components located outside of an existing building or structure are less
than ten (10) feet in height.

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9.4.3.3 **Major wireless communication facility.** A wireless communication facility not meeting the limitations specified for a Minor wireless communication 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 a WCOD may be used for any purpose permitted as of right or by special permit in the underlying district. Major wireless communication facilities shall only be permitted within the WCOD 1 overlay district, except that a major wireless communication facility may be permitted within the WCOD 2 only upon a determination by the Planning Board that the location of the proposed facility would provide adequate screening and buffering such that the proposed facility 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. Minor wireless communication facilities may be permitted in either the WCOD 1 or the WCOD 2 overlay district. Wireless communication facilities, whether Major or Minor, shall not be permitted outside the boundaries of a WCOD.

9.4.5 **Permits Required.**

9.4.5.1 Minor wireless communication 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 a WCOD1 or WCOD2, provided that the wireless communication facility complies with FCC standards for radio frequency emissions and receives a building permit from the Building Inspector.

9.4.5.2 Minor wireless communication facilities to be located outside of an existing building or structure, or to be attached to an existing communication facility, utility transmission tower or pole, water tower or related facility, shall be a permitted use in a WCOD1 or WCOD2, provided that the wireless communication 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 A WCOD EIDR Approval pursuant to this section and Section 7.3 of this bylaw.

9.4.5.3 Minor wireless communication facilities to be located entirely within the interior of an addition to an existing building, which addition is approved pursuant to a WCOD Special Permit, and which facilities are not visible from the exterior, may be permitted in WCOD1 or WCOD2 only upon the issuance of a WCOD Special Permit from the Planning Board in compliance with the provisions of this section.

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9.4.5.4 Major wireless communication facilities may be permitted only in WCOD 1, or in WCOD 2 only pursuant to the exception noted in Section 9.4.4, and only upon the issuance of a WCOD Special Permit from the Planning Board in compliance with the provisions of this section.

9.4.6 **Application and Submittal Requirements.** An application for a WCOD Special Permit or WCOD EIDR Approval shall be filed in accordance with the Planning Board’s Rules and Regulations for Wireless Communication Overlay District Special Permits, and 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 communication 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 communication 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.

9.4.6.2.7 Location and identification of all existing buildings, structures and uses of land located within three hundred (300) 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.

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- 9.4.6.5 Description of the wireless communication 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 communication facility, existing and proposed.
- 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 communication 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 A description of the wireless communication facility’s capacity, including the number and type of panels, antennas 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 communication 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 communication facility in relation to the surrounding area.
- 9.4.7 Development Standards.**
- 9.4.7.1 An Applicant proposing a wireless communication 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, and that no reasonable combination of locations, techniques or technologies will mitigate the height or visual impact of the proposed wireless communication facility.
- 9.4.7.2 Co-location of wireless communication facilities is encouraged. To the extent possible, wireless communication facilities shall be located in or on existing buildings or structures, including, but not limited to, buildings, communication facilities, utility transmission towers or poles, water towers, and related facilities, provided that such installation preserves the character and integrity of these buildings or structures. The Applicant shall have the burden of demonstrating to the satisfaction of the Planning

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Board that a good faith effort has been made to co-locate on an existing building or structure, or on an existing Major or Minor wireless communication facility, that there are no feasible existing buildings or structures upon which to locate, and that no reasonable combination of locations, techniques or technologies will obviate the need for the proposed wireless communication facility.

- 9.4.7.3 Major wireless communication facilities shall be designed and constructed to accommodate the maximum number of presently interested users that is technologically practical. In addition, if the number of proposed users is less than four, the applicant shall provide a plan showing how the proposed tower can be expanded to accommodate up to four users. In the event that the Planning Board finds that co-location is preferable, the applicant must agree to allow co-location pursuant to commercially reasonable terms to additional users.
- 9.4.7.4 Antenna support structures shall be buildings or monopoles. Where appropriate to the surrounding area, at the sole discretion of the Planning Board, monopoles shall be disguised as flag poles or trees.
- 9.4.7.5 The highest point of a Major wireless communication facility, including its antenna support structure and any component thereof or attachment thereto, shall not exceed one hundred (100) feet above ground level.
- 9.4.7.6 The maximum diameter or width of any Major wireless communication facility antenna support system shall be no more than three (3) feet.
- 9.4.7.7 All Major wireless communication facilities is shall be setback from all property lines abutting any public way, including any sidewalk, a distance one hundred percent (100%) of the height of the highest point of the wireless communication facility, except that this setback requirement may be reduced, at the sole discretion of the Planning Board, to allow the integration of a wireless communication facility into an existing or proposed building or structure.
- 9.4.7.8 No Major wireless communication facility shall be constructed within a distance equal to one hundred percent (100%) of the height of the highest point of the wireless communication facility from any existing residential dwelling or any proposed dwelling for which a building permit or subdivision approval has been issued. However, this regulation shall not prohibit the later development of any residential dwelling within said distance from an existing wireless communication facility.
- 9.4.7.9 All equipment enclosures and other improvements included within a wireless communication facility shall be architecturally designed to blend

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in with the surrounding environment and shall be maintained in good appearance and repair.

- 9.4.7.10 Fencing shall be provided to control access to the base of a Major wireless communication facility. The fencing shall be compatible with the scenic character of the Town, as determined by the Planning Board, and shall not consist of barbed wire or razor wire.
- 9.4.7.11 All exterior wireless communication facilities shall be painted, colored, molded, installed or otherwise screened to minimize their visibility to abutters, adjacent streets, views from scenic roads, and residential neighborhoods. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Existing on-site vegetation shall be preserved to the maximum extent feasible.
- 9.4.7.12 All antennas on a Major wireless communication facility shall be single unit cross-polar antennas. Antennas shall be designed and mounted in such a manner as to present the smallest possible silhouette, profile, or cross-section.
- 9.4.7.13 Wireless communication 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.
- 9.4.7.14 Wireless communication facilities shall not interfere with nor have any negative effect on the Town's emergency radio communications.
- 9.4.7.15 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.
- 9.4.8 **Decision.** A WCOD Special Permit or WCOD EIDR Approval shall only 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. Prior to the issuance of any WCOD Special Permit or WCOD EIDR Approval, the Planning Board shall make positive findings that:
 - 9.4.8.1 The Applicant has demonstrated to the satisfaction of the Planning Board that there exists a significant gap in coverage and that said gap would be

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sufficiently reduced or eliminated by the proposed wireless communication facility.

- 9.4.8.2 The Applicant has demonstrated to the satisfaction of the Planning Board that the wireless communication facility must be located at the proposed site due to technical, topographical or other unique circumstances, in order to satisfy a demonstrated gap in coverage.
- 9.4.8.3 The Applicant has demonstrated to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal, and that no reasonable combination of locations, techniques or technologies will mitigate the height or visual impact of the proposed wireless communication facility.
- 9.4.8.4 The Applicant has demonstrated, in any case where a major wireless communication facility is permitted within WCOD 2 pursuant to Section 9.4.4, that the location of the proposed facility would provide adequate screening and buffering such that the proposed facility 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.
- 9.4.8.5 The wireless communication facility will have no significant adverse impact on the town and surrounding residential properties.
- 9.4.9 **Discontinuance of Use.** A wireless communication 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 communication 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.
- 9.4.10 **Pre-existing Non-conforming Facilities.** Any wireless telecommunication facility legally in existence on the date of enactment of this section which does not comply in all respects with these provisions shall be deemed a pre-existing non-conforming use. Such wireless communication facilities may be renewed after a public meeting of the Planning Board. Non-conforming Major wireless communication facilities may be reconstructed, expanded and/or altered pursuant to the issuance of a WCOD Special Permit from the Planning Board in compliance with the applicable provisions of this section. A Minor wireless communication facility associated with a Major wireless communication facility

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may be granted WCOD-EIDR Approval in compliance with the applicable provisions of this section.

9.4.11 **Time Limitation.** A special permit issued for a Major wireless communication 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 communication facility shall be removed at the Applicant's expense unless the Applicant receives approval from the Planning Board to renew the WCOD Special Permit for an additional five (5) years.

- 2) Remove all references to and delineations of Wireless Communication Overlay District (WCOD) from the Official Zoning Map, and add new references for Wireless Communication Overlay District 1 (WCOD1) and Wireless Communication Overlay District 2 (WCOD2) to the Official Zoning Map, and delineate such districts accordingly.

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Article 3: To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.1 [Principal Uses], and related amendments to Section 2.0 [Definitions] and Section 6.1.5 [Parking Requirements for Commercial Uses], as set forth below, or take any other action in relation thereto:

- 1) Add a new Section 4.1.5.37 to read as follows, with “BA” in columns LBA, LBB, HB, and ARO, and with “N” in all other columns:

4.1.5.37 Medicinal Marijuana Dispensary

- 2) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by adding new Section 6.1.5.12 to read as follows, and renumber subsequent sections as appropriate:

6.1.5.12 Medicinal Marijuana Dispensary	One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to selling, storage, service and all other activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises
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