



Norfolk ss:

To either of the Constables of the Town of Westwood in said County, GREETING.

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town who are qualified to vote in elections to vote at:

Precinct One - Senior Center  
Precinct Two - William E. Sheehan School  
Precinct Three - Paul R. Hanlon School  
Precinct Four - Downey School

on the last Tuesday in April, it being the twenty-fifth (25) day of said month, A.D. 2017, from 7 a.m. to 8 p.m. for the following purpose:

To bring their vote for the following persons to wit:

ONE ASSESSOR FOR THREE YEARS  
ONE COLLECTOR OF TAXES FOR THREE YEARS  
TWO LIBRARY TRUSTEES FOR THREE YEARS  
ONE MODERATOR FOR ONE YEAR  
ONE PLANNING BOARD MEMBER FOR THREE YEARS  
TWO SCHOOL COMMITTEE MEMBERS FOR THREE YEARS  
ONE SELECTMAN FOR THREE YEARS  
ONE SEWER COMMISSIONER FOR THREE YEARS

Question:

“Shall this Town prohibit the operation of all types of marijuana establishments as defined in MGL Chapter 94G, Section 1, including marijuana cultivators, marijuana testing facilities, marijuana product manufactures, marijuana retailers or any other type of licenses marijuana-related businesses within the Town of Westwood, except for any Registered Marijuana Dispensary which might be granted a special permit pursuant to Westwood Zoning Bylaw Section 7.4?”

Summary:

“This question would prohibit all commercial businesses related to marijuana, including marijuana cultivation, marijuana testing facilities, marijuana product manufacturing, marijuana retailers, and any other type of licensed marijuana related businesses. It would not prohibit any Registered Marijuana Dispensary which might be granted a Special Permit pursuant to the Westwood Zoning Bylaw Section 7.4 from selling Marijuana for medicinal purposes.”

and you are hereby further directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and Town affairs to meet in the Westwood High School Auditorium, 200 Nahatan Street, in said Westwood, on Monday, May 1, 2017 at 7:30 in the evening, there and then to act on the following articles:

**ARTICLE 1**

To see if the Town will vote to appropriate by transfer from available funds the sum of Three Hundred Fifty-Five Thousand Dollars (\$355,000) to supplement the following fiscal year 2017 appropriations, or take any other action thereon:

<b>Transfer</b>			
<b>From Account</b>	<b>Amount</b>	<b>To Account</b>	<b>Amount</b>
Reserve Account	\$200,000	Snow and Ice	\$200,000
Sewer Salaries	\$50,000	Sewer Stormwater Compliance	\$50,000
Police Expenses	\$60,000	Police Salaries	\$80,000
Retirement Assessment	\$45,000	Library Salaries	\$25,000
<b>Total</b>	<b>\$355,000</b>	<b>Total</b>	<b>\$355,000</b>

**(Board of Selectmen)**

**ARTICLE 2**

To see if the Town will vote to appropriate by transfer from available funds the sum of Four Hundred Three Thousand Eight Hundred Dollars (\$403,800) to supplement the following fiscal year 2017 appropriations, or take any other action thereon:

<b>Transfer</b>			
<b>From Account</b>	<b>Amount</b>	<b>To Account</b>	<b>Amount</b>
Ambulance Receipts	\$140,800	Ambulance Services/Equipment	\$140,800
Sewer Retained Earnings	\$73,000	Sewer MWRA Assessment	\$73,000
Free Cash	\$190,000	Snow and Ice	\$100,000
		DPW Salaries – Snow and Ice	\$90,000
<b>Total</b>	<b>\$403,800</b>	<b>Total</b>	<b>\$403,800</b>

**(Board of Selectmen)**

**ARTICLE 3**

To see if the Town will vote to appropriate and/or transfer from available funds the sum of to pay the following unpaid bill of a prior fiscal year, or take any other action thereon:

<b>Unpaid Bill</b>	<b>Amount</b>	<b>From Account</b>

**(Board of Selectmen)**

**ARTICLE 4**

To see what sum(s) of money the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow for the operation of the municipal departments and public school system for the fiscal year July 1, 2017, through June 30, 2018, as set forth in Appendix D of the Finance and Warrant Commission's Report to the 2017 Annual Town Meeting, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 5**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eight Hundred Sixty-Seven Thousand Dollars (\$867,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
Fire – Ladder Truck – Lease Payment – 5 <sup>th</sup> of 5	Fire	\$151,050	Free Cash
Fire – Vehicle	Fire	\$48,000	Free Cash
Fire - Vehicle	Fire	\$38,500	Free Cash
End User Technology – All Departments	Information Technology	\$60,000	Free Cash
Replacement of Police Vehicles	Police	\$163,200	Free Cash
Police – Traffic Safety Cameras/Equipment	Police	\$12,500	Free Cash
Police –Booking/Fingerprint Equipment	Police	\$21,500	Free Cash
DPW Equipment – Heavy Duty Truck/Pickup Truck	DPW	\$230,000	\$39,025 Free Cash/ \$190,975 Taxation
Municipal Facility Maintenance	DPW	\$50,000	Free Cash
Energy Efficiency	DPW	\$50,000	Free Cash
Library – Patron/Staff End User Technology	Library	\$21,750	Free Cash
Library – “Maker Space” Station	Library	\$20,500	Free Cash
<b>Total</b>		<b>\$867,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 6**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eight Hundred Sixty-Seven Thousand Dollars (\$867,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
Technology	School	\$225,000	Free Cash
Furniture, Fixtures, and Equipment	School	\$129,500	Free Cash
HVAC	School	\$96,000	Free Cash
Repair & Maintenance	School	\$321,950	\$130,975 Free Cash/ \$190,975 Taxation
Copiers	School	\$60,000	Free Cash
Vehicles	School	\$34,550	Free Cash
<b>Total</b>		<b>\$867,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 7**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Hundred Thousand Dollars (\$600,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
SCADA System Upgrade	Sewer	\$600,000	Sewer Retained Earnings
<b>Total</b>		<b>\$600,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**(Sewer Commission)**

**ARTICLE 8**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Nine Hundred Forty-Nine Thousand Dollars (\$949,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
Council on Aging Building Improvements	COA	\$300,000	Payment in Lieu of Tax (PILOT)
Council on Aging Building Expansion Design	COA	\$40,000	Free Cash
School IT Network	School	\$377,000	Free Cash
Replace Engines (2)-Lease Payment – 1 <sup>st</sup> of 5	Fire	\$232,000	Ambulance Funds
<b>Total</b>		<b>\$949,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 9**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B, or take any other action thereon.

Purpose	Amount	Funding Source
Stabilization Fund	\$100,000	Free Cash

**(Board of Selectmen)**

**ARTICLE 10**

To see if the Town will vote to transfer from available funds the sum of Three Hundred Ninety-Seven Thousand Dollars (\$397,000) to the Capital Improvements Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B, or take any other action thereon.

Purpose	Amount	Funding Source
Capital Improvements Stabilization Fund	\$397,000	Bond Premium Account

**(Board of Selectmen)**

**ARTICLE 11**

To see if the Town will vote to appropriate from Free Cash the sum of Five Hundred Thousand Dollars (\$500,000) to reduce the tax levy in fiscal year 2018, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 12**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Million Three Hundred Ninety Thousand Dollars (\$1,390,000) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20 or take any other action thereon

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$1,390,000	Taxation

**(Board of Selectmen)**

**ARTICLE 13**

To see if the Town will vote to accept as Town Ways the streets listed below as laid out by the Selectmen, or take any other action thereon.

Phillips Way  
Fox Meadow Drive  
Deerfield Avenue Extension

**(Board of Selectmen)**

**ARTICLE 14**

To see if the Town will vote to raise and appropriate and/or borrow and/or transfer from available funds a sum of money to reconstruct Wilson Way, to which the businesses along said Wilson Way will be responsible for betterment charges equal to half the cost to reconstruct Wilson Way; and to authorize the selectmen to accept a grant of easement and accept said Wilson Way as a public way once reconstructed; and to meet said appropriation, appropriate the sum of One Hundred Forty Thousand Dollars (\$140,000) from Free Cash, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 15**

To see if the Town will vote to authorize the Board of Selectmen to apply for and accept state funds to be received as pre-payment and/or reimbursement for road improvements and deposit said funds into the Town's Road Improvement Account to be used to pay expenditures made or to continue the Town's road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for expenditure of any funds allocated or to be allocated by the

Commonwealth for the improvement of roads within the Town of Westwood; and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said road improvement program, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 16**

To see if the Town will vote to authorize the Board of Selectmen to acquire or take by eminent domain four (4) parcels of land abutting the north side of Clapboardtree Street, north of its intersection with Washington Street as shown on a plan by WSP Transportation & Infrastructure entitled "Layout Alternation Plan, Clapboardtree Street, Westwood, Massachusetts," and dated September 23, 2016 and to raise and/or appropriate and/or transfer from available funds a sum of money necessary to compensate the landowners:

Taking #1     Assessor's Reference: Parcel 23-8  
                  Address: 914 Clapboardtree Street  
                  Owner: Xaverian Brothers High School  
                  Deed Reference: Book 14436 Page 111  
                  Area: 149+/- sq. ft.

Taking #2     Assessor's Reference: Parcel 23-9  
                  Address: 924 Clapboardtree Street  
                  Owner: Xaverian Brothers High School  
                  Deed Reference: Book 31472 Page 347  
                  Area: 467+/- sq. ft.

Taking #3     Assessor's Reference: Parcel 23-12  
                  Address: 936 Clapboardtree Street  
                  Owner: Xaverian Brothers High School  
                  Deed Reference: Book 27192 Page 186  
                  Area: 1,136+/- sq. ft.

Taking #4     Assessor's Reference: Parcel 23-13  
                  Address: 946 Clapboardtree Street  
                  Owner: Emad Qasrawi & Rana Awwad  
                  Deed Reference: Book 33428 Page 325 (Land Court)  
                  Area: 492+/- sq. ft.

The four parcels shall be taken in conjunction with proposed traffic improvements which include widening Clapboardtree Street on the northerly side thereof to provide a second approach lane to Washington Street, traffic signal modifications, drainage system and utility adjustments, reconstruction of stone retaining walls, sidewalk and wheelchair ramp reconstruction, pavement markings and signing upgrades and landscape restoration, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 17**

To see if the Town will vote to appropriate a sum of money for the purpose of reconstructing Clapboardtree Street and Washington Street intersection, including the payment of all costs incidental or related thereto including takings; and to meet said appropriation, appropriate the sum of Four Hundred Thousand Dollars (\$400,000) from Free Cash, or take any other action related thereon.

**(Board of Selectmen)**

**ARTICLE 18**

To see if the Town will vote to raise and appropriate and/or borrow and/or transfer from available funds a sum of money to pay for the design of sidewalk improvements along Clapboardtree Street, Winter Street, Stanford Drive, and improvements to the intersection of North Street and Route 109 and other locations to be submitted to the Complete Streets Program for approval and Notice to Proceed; to authorize the Board of Selectmen to enter into contracts for expenditure of any funds allocated or to be allocated by the Commonwealth for the sidewalk improvements; and to authorize the Board of Selectmen to make necessary minor takings of land and/or easements to accomplish said sidewalk improvements; and to meet said appropriation, appropriate the sum of Sixty-Five Thousand Dollars (\$65,000) from Free Cash, or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 19**

To see if the Town will vote to amend the General Bylaws of the Town of Westwood by inserting a new chapter:

**CHAPTER 284: MARIJUANA**

**§284-1 Public consumption regulated**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined by M.G.L. c 94C § 1, as amended) for non-medical purposes (i.e.: for other than medical use of marijuana as defined in Chapter 369 of the Acts of 2012 as it may be amended from time to time) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, trail, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot or any area or structure owned by or under the care, custody and control of any board, committee or commission of the Town of Westwood; or in a vehicle or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible by the public; or on any private land, building structure or place without the consent of the owner or person in control thereof. In addition, no person shall smoke marijuana or tetrahydrocannabinol (as defined by M.G.L. c 94C § 1, as amended) for medical purposes in the areas noted above.



**§284-2 Enforcement; violations and penalties**

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c.40, §21, or by noncriminal disposition pursuant to M.G.L. c. 40, §21D, by any police officer. The fine for violation of this by-law shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for each subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L or other section of the General Laws that is or may be applicable upon its passage.

**§284-3 Appeals, hearing**

Appeals must be filed with the Town Administrator's Office, 580 High Street, Westwood, MA 02090 within 21 days after the date of the violation after which time the Town Administrator will schedule and conduct a hearing date for said appeal, otherwise payment must be received within that time (21 days) or be subject to interest and demand notice charges to be set by the Board of Selectmen. The hearing will be presided over by the Town Administrator and both the Appellant and the Police Department shall be entitled to present evidence on their behalf, after which the Town Administrator will render a decision.

or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 20**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to marijuana establishments, including amendments to Section 2.0 [Definitions], Section 4.1.2 [Table of Principal Uses], and any necessary amendments to Section 7.4 [Registered Marijuana Dispensary], or take any other action in relation thereto:

- 1) Amend Section 2.0 [Definitions] to delete the terms "Other Marijuana Facility" and "Registered Marijuana Dispensary" and to add new definitions for "Medical Marijuana Establishment" and "Non-Medical Marijuana Establishment" to read as follows:

Medical Marijuana Establishment A facility registered pursuant to 105 CMR 725 as a Registered Marijuana Dispensary (RMD).

Non-Medical Marijuana Establishment A facility defined in M.G.L. Ch.94G, Section I, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of marijuana-related businesses, other than a licensed Registered Marijuana Dispensary (RMD) lawfully permitted and licensed pursuant to 105 CMR 725.

2) Amend Section 4.1.5.39 and Section 4.1.5.40 to read as follows: (*bold italics indicates new wording*)

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.39 <del>Registered Marijuana Dispensary</del> <b><i>Medical Marijuana Establishment</i></b> per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.5.40 <del>Other-Marijuana Facility</del> <b><i>Non-Medical Marijuana Establishment</i></b>	N	N	N	N	N	N	N	N	N	N	N	N	N

3) Amend Section 7.4 to read as follows: (*bold italics indicates new wording, words to be removed have strikethrough*)

**SECTION 7.4 REGISTERED MARIJUANA DISPENSARIES MEDICAL MARIJUANA ESTABLISHMENT**

7.4.1 **Purpose.** The purpose of this Section is to assure that ***Medical Marijuana Establishments, which shall be limited to*** Registered Marijuana Dispensaries (RMDs) ***which are lawfully permitted and licensed pursuant to 105 CMR 725,*** are carefully designed, located and operated in accordance with applicable state and local laws, rules and regulations, and to assure that adequate provisions are made for impacts of such facilities upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof.

7.4.2 **Special Permit Required.** No ~~RMD~~ ***Medical Marijuana Establishment*** shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4.

7.4.3 **Application Requirements.** An application for a special permit for a ~~RMD~~ ***Medical Marijuana Establishment*** shall be accompanied by a ***certified*** site plan, ***building and elevation plans*** and all other application materials ***and plan information as*** required by the rules and regulations of the Board of Appeals.

7.4.4 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon said ~~the~~ ***Board of Health*** may, at its discretion, review the proposed ~~RMD~~ ***Medical Marijuana Establishment*** project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Planning

Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.

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

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

**7.4.7 Findings.** No ~~RMD~~ **Medical Marijuana Establishment** Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

**(Planning Board)**

## **ARTICLE 21**

To see if the Town will impose a moratorium against demolishing dwellings for a period of three (3) years. This regulation will curtail the building of a new, larger structure and priced so as to put out of reach for entry level buyers.

### **Exclusion:**

A building that has suffered severe damage from a fire and considered a total loss.

A building that has suffered severe damage from an explosion and is considered a total loss.

A building that has been condemned by the Westwood Health Department, or, the Building Department that is considered a public hazard.

Any like incident which will cause the building uninhabitable which would cause the building to be demolished.

### **Restrictions:**

Any buyer of a dwelling in Westwood would be restricted by the Town of Westwood regulation from demolishing the building for a period of one year (1) from date of purchase and being recorded in the Norfolk Registry of Deeds.

### **Appeal:**

Any aggrieved party may appeal for exemption to this regulation by submitting an application for exemption to this regulation to the Board of Selectmen. said appeal shall be heard as soon as possible.

**(Petitioner – Jerry Wolfe – PO Box 2586/46 Buckmaster Road)**

## **ARTICLE 22**

To see if the Town will vote to amend Section 9.5 of the Westwood Zoning Bylaw [Flexible Multiple Use Overlay District (FMUOD)] to eliminate multi-family residential uses within FMUOD6 [Washington Street Business District] and FMUOD7 [High Street Business District] as follows, or take any other action thereon:

- 1) Delete Sections 9.5.8.7, 9.5.8.7.1, 9.5.8.8 and 9.5.8.8.1 in their entirety;
- 2) Remove reference to FMUOD6 and FMUOD7 in Section 9.5.13 so that the revised Section 9.5.13 reads as follows:

9.5.13            **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than thirty-three (33%) of the total gross floor area of any project within FMUOD 1, and no

more than fifty percent (50%) of the total gross floor area of any project within FMUOD 3, except that age-restricted dwelling units for persons 55-years or older permitted within FMUOD 3 may occupy up to 100% of the total gross floor area of a project. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said residential units will have no significant negative fiscal impact on the town. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed the approved percentage of total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use. Residential units shall be located on upper stories unless the Planning Board determines that a combination of first floor and upper floor residential units are acceptable in a particular development.

3) Renumber all sections as appropriate.

**(Petitioner – Deborah Conant, 21 Strasser Avenue)**

### **ARTICLE 23**

To see if the Town will vote to amend Section 9.5 of the Westwood Zoning Bylaw [Flexible Multiple Use Overlay District (FMUOD)] to remove footnote marker 1 from after the words "Minimum Project Area" in Section 9.5.9.1 and to add footnote marker 1 after each of the values listed for FMUOD1, FMUOD2, FMUOD3, FMUOD4 and FMUOD5, so that Section 9.5.9 reads as follows, or take any other action thereon:

**9.5.9 Alternative Dimensions.** The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirement, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

		<b>FMUOD 1</b>	<b>FMUOD 2</b>	<b>FMUOD 3</b>	<b>FMUOD 4</b>	<b>FMUOD 5</b>	<b>FMUOD 6</b>	<b>FMUOD 7</b>
9.5.9.1	Minimum Project Area	10 acres <sup>1</sup>	5 acres <sup>1</sup>	10 acres <sup>1</sup>	5 acres <sup>1</sup>	5 acres <sup>1</sup>	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>2</sup>	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 <sup>3</sup>	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Area or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

**(Petitioner – Deborah Conant, 21 Strasser Avenue)**

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

<sup>2</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor’s Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred seventy-eight and one-half (178.5) feet above sea level.

<sup>3</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) of the MBTA Train Station parcel (shown as Lot 1 on Assessor’s Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum floor area ratio of no more than 1.2.

**ARTICLE 24**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.5 [Accessory Apartments] to amend the limited number of special permits to be issued and in effect in Section 8.5.4 [Limited Number of Special Permits], or take any other action in relation thereto:

- 1) Amend Section 8.5.4 [Limited Number of Special Permits] to increase the maximum number from one (1%) to two percent (2%) to read as follows:

**8.5.4 Limited Number of Special Permits.** The maximum number of special permits to be issued and in effect shall not exceed two percent (2%) of the current number of single-family and two-family dwelling units in Town. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed.

- 2) Amend Section 2.0 [Definitions] to change the Section reference from 8.3 to 8.5 to read as follows:

Accessory Apartment A self-contained area comprised of living space, kitchen space and a bathroom, within a single family home or as an accessory structure thereto, and which may be occupied by one or more individuals, related or unrelated to the owner of the principal dwelling, and which accessory apartment is subject to the conditions of Section 8.5 of this Bylaw.

**(Planning Board)**

**ARTICLE 25**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related Section 4.1.6.8 [Self-Storage or Mini-Storage Facility] in the Table of Uses, add a new Section 7.6 [Storage Facilities Regulations], and amend the parking requirements for storage facilities in Section 6.1.6.6, to take any other action in relation thereto:

- 1) Amend Section 4.1.6.8 [Table of Principal Uses] to change the Special Permit Granting Authority from the Zoning Board of Appeals to the Planning Board, so that Section 4.1.6.8 reads as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
<b>Self-Storage or Mini-Storage Facility per Section 7.6</b>	N	N	N	N	N	N	N	N	N	PB	PB	PB	N

2) Insert a new Section 7.6 [Self-Storage or Mini-Storage Facilities] to read as follows:

## **SECTION 7.6 STORAGE FACILITY REGULATIONS**

**7.6.1 Purpose.** The purpose of this section is to assure that self-storage and mini-storage facilities are appropriately sited in Highway Business and Industrial zones, while maintaining the desired character and function of the area. Storage facilities are characterized as industrial uses but have low activity levels that do not add to the vitality of a commercial area. The general and design requirements of this section are intended to allow self-storage facilities to locate where they best serve residents and businesses while not having prominent frontage on major commercial streets.

**7.6.2 Special Permit Required.** A self-storage or mini-storage facility shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section and Section 10.3.3 of this Bylaw [Special Permits].

**7.6.3 Application Requirements.** Application for a special permit for a self-storage or mini-storage facility shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the self-storage special permit, and no separate EIDR Approval shall be required. Submittal requirements shall be as required pursuant to Section 7.3.7 with the following additional requirements:

- 7.6.3.1        Parking plan shall clearly demonstrate a sufficient number of parking spaces for customers and employees, clear vehicular and pedestrian access ways, and appropriate loading and unloading areas.
- 7.6.3.2        Landscape Planting Plan, shall indicate the species and size of all existing trees, and shall clearly note which trees are proposed for removal. Trees shall be planted along all streets at intervals of approximately every thirty (30) feet.
- 7.6.3.3        Application shall include a narrative description of all proposed on-site activities and proposed hours of operation.
- 7.6.3.4        Application shall include an analysis demonstrating how the proposed project serves the needs, services or other interests of Town residents.
- 7.6.3.5        A Storage Facility Map showing all existing and/or permitted self-storage and mini-storage facilities within a one-mile radius of the project site, whether within Westwood or another community.



#### **7.6.4 General and Design Requirements.**

- 7.6.4.1      **Landscaping.** In addition to the Screening and Buffer Requirements of Section 6.3, there shall be a minimum landscape area of at least ten feet required along all street frontages with tree plantings approximately every thirty (30) feet.
- 7.6.4.2      **Siting.** No self-storage or mini-storage facility shall be located within 200 feet of the right-of-way of any of the following major roads: University Avenue, Station Drive, Blue Hill Drive, Harvard Street, Everett Street, and Providence Highway (Route 1). No such facility shall be located within one mile of another similar facility unless the Planning Board in its sole discretion grants a waiver of this requirement upon finding that there is a clear need and benefit to the Town demonstrated by a market and occupancy analysis including such other nearby facilities.
- 7.6.4.3      **Accessory Uses.** Accessory uses such as the sale or rental of moving equipment are permitted as required by Section 4.0 [Use Regulations], subject to all other necessary approvals, and shall be appropriately screened. Living quarters for one caretaker or watchmen may be permitted as an Accessory Use according to the Section 4.3.4.1 provided there are proper provisions for wastewater disposal and at least two dedicated parking spaces.
- 7.6.4.4      **Street Facades.** The design and layout of the street side of a proposed facility shall provide a varied and interesting façade. Considerations shall include the building placement, fenestration, roof design, variations in building walls, and other structural elements.
- 7.6.4.5      **Building Design.** Storage facilities are permitted only as or within multi-story structures. Buildings shall be designed and situated so that overhead doors and loading areas into such facilities are not visible from any adjacent right-of-way. All individual storage units shall be accessed from the interior of the building.
- 7.6.4.6      **Building Materials.** The materials for buildings shall be compatible with the desired character of the surrounding area and shall be visually pleasing.
- 7.6.4.7      **Building Setbacks.** The front, rear and side yard setback requirements regulated in Section 5.2 [Table of Dimensional Requirements] may be reduced by the Planning Board to allow for better design and compatibility with surrounding buildings upon a finding by the Planning Board that the proposed layout is in keeping with the purpose of this section of the bylaw.

**7.6.5 Parking Requirements.** Self-storage and mini-storage facilities may provide fewer parking spaces than required under Section 6.1.2 [Table of Parking Regulations], where in the determination of the Planning Board, the number and configuration of proposed parking spaces are found to be sufficient to meet the needs of the proposed development. Customer parking shall be separate from truck parking and loading and unloading space shall be clearly designated.

**7.6.6 Findings.** In addition to the specific decision findings outlined in Section 10.3.3 of this Bylaw, the Planning Board shall make a determination of each of the following:

- 7.6.6.1 Demonstration of need for town residents and/or businesses.
- 7.6.6.2 Facility located off a primary commercial local road to meet the purpose of this Section 7.6.1.
- 7.6.6.3 Sufficient buffering and screening from nearby uses.
- 7.6.6.4 Consistency with the purpose of this Section 7.6.
- 7.6.6.5 Degree to which the proposal serves job, service or other interests of Town residents.

**7.6.7 Conditions.** In granting a special permit, the Planning Board shall impose reasonable conditions specifically designed to safeguard the surrounding properties and Town such as noise controls, limits on hours of operation, landscaping, and/or drainage controls.

1) Amend Section 6.1.6.6 in the parking table to read as follows:

6.1.6.6 Self-Storage or Mini-Storage Facility per Section 7.6.5	Not less than one (1) space for each employee on the largest shift, plus one (1) space per 500 sq. ft. of sales floor area, plus two (2) spaces for any resident manager or caretaker, plus one (1) space per 50 storage units.
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**(Planning Board)**

**ARTICLE 26**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.1 [Table of Principal Uses] and Section 4.3 [Table of Accessory Uses], for amendments related to solar energy facilities, large scale solar and small scale solar, or take any other action in relation thereto:

- 1) Amend Section 2.0 [Definitions] by deleting the terms “Large Scale Solar” and “Small Scale Solar” in their entirety, and by adding new definitions for “Roof-mounted Solar” and “Ground-mounted and Other Solar”.

**Roof-mounted Solar** Any solar arrays, facilities, or solar photovoltaic installations mounted to the roof of a principal building which do not extend or project beyond the principal building’s roof and at the same pitch as the existing roof.

**Ground-mounted and Other Solar** Any solar arrays, facilities, or solar photovoltaic installations which do not meet the definition of “Roof-mounted Solar”.

- 2) Revise Section 4.1.2 [Table of Principal Uses] to delete Section 4.1.7.5 [Large Scale Solar] and Section 4.1.7.6 [Small Scale Solar] in their entirety.
- 3) Revise Section 4.3 [Table of Accessory Uses] to add a new Section 4.3.2.6 [Roof-mounted Solar] and a new Section 4.3.2.7 [Other Solar] to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
Section 4.3.2.6 <sup>3</sup> Roof-mounted Solar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Section 4.3.2.7 Ground Mounted & Other Solar <sup>3</sup>	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

- 4) Add a new note 3 to Section 4.4 [NOTES FOR TABLE OF ACCESSORY USES] as follows, and renumber subsequent notes as appropriate:

<sup>3</sup>All solar arrays, facilities, and solar photovoltaic installations must comply with applicable setbacks as required by Section 5.0 [DIMENSIONAL REQUIREMENTS], 5.2 [TABLE OF DIMENSIONAL REQUIREMENTS], and 5.4 [HEIGHT REGULATIONS].

**(Planning Board)**

**ARTICLE 27**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 7.1 [Earth Material Movement (EMM)] to change the type of permit from a Special Permit to an Environmental Impact and Design Review (EIDR) in Section 7.3, or take any other action in relation thereto (***bold italics denote new language, words to be removed have strikethrough***):

- 1) Amend Section 7.1.1 by deleting “Special Permit” and replacing with “Environmental Impact and Design Review (EIDR) so that Section 7.1.1 reads as follows :

**7.1.1 ~~Special Permit~~ Environmental Impact and Design Review (EIDR) Required.** No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter

provided or is done pursuant to ~~an special permit~~ **EIDR Approval** therefor granted by the Planning Board.

- 2) Add a new Section 7.1.2 as follows, and renumber subsequent sections as appropriate.

**7.1.2 Purpose.** To protect the safety, health and wellbeing of the citizens and property of the Town by regulating the transportation of earth material to and from a property. The intent is to eliminate or minimize harmful impacts to the public ways associated with the movement of earth.

- 3) Amend Section 7.1.3 by deleting "Special Permit" as follows:

**7.1.3 Special Permit Decision.** An EMM ~~Special Permit~~ **EIDR Approval** shall be granted by the Planning Board only upon its written determination that operations conducted under such ~~special permit~~ **EIDR Approval**, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town, and will be in harmony with the general purpose and intent of this Section. No ~~special permit~~ **EIDR Approval** for the movement of earth material (including temporary structures accessory thereto), shall be granted if the Board finds that operations conducted thereunder would:

- 4) Amend Section 7.1.4 as follows:

**7.1.4 Conditions.** In granting a ~~special permit~~ **an EIDR Approval** hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

- 5) Amend Section 7.1.5 as follows:

**7.1.5 Fill Material.** A statement may be required from a certified professional to verify the source and content of fill material if the ~~special permit~~ **EIDR Approval** is issued for the placement of fill. The analysis of the content of the fill material may be required so as to detect the presence and quantity of hazardous or substandard materials. This analysis shall be conducted by a certified professional hired by the Planning Board at the expense of the Applicant.

- 6) Amend Section 7.1.7 to read as follows:

**7.1.7 Time Limit.** No ~~special permit~~ **EIDR Approval** for the export, import and/or regrading of earth material shall be granted for a period of more than ~~one (1)~~ **two (2)** years in a Residential District or more than three (3) years in a Nonresidential District, although the ~~special permit~~ **EIDR Approval** may be renewed for additional periods in the same manner as for the initial issuance.

7) Amend Section 7.1.8 to read as follows:

7.1.8 **Exempt Operations.** The movement of earth material in any of the following operations shall constitute an exempt operation and shall not require an EMM ~~special permit~~ **EIDR Approval**:

8) Amend Section 7.1.9 to read as follows:

7.1.9 **Subdivisions.** The export, import and/or regrading of earth material on any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the export, import and/or regrading of earth material on the premises, even though in connection with the construction of streets and the installation of municipal services shown on a subdivision plan, and an EMM **EIDR Approval** ~~Special Permit~~ shall be required pursuant to this Section.

9) Add a new Section 7.3.2.6 to read as follows:

7.3.2.6 Exporting, importing or regrading on premises subject to Earth Material Movement (EMM), pursuant to Section 7.1 of this bylaw.

### **(Planning Board)**

#### **ARTICLE 28**

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.4 [Exterior Lighting] to clarify the height limit for wall mounted fixtures for nonresidential properties, limit the hours for exterior lighting at nonresidential properties, and identify security and non-security lighting on the exterior lighting plan, or take any other action in relation thereto (***bold italics denote new language, words to be removed have strikethrough***):

1) Add a new Section 6.4.4.6 to read as follows:

6.4.4.6 identification of any security lighting to remain illuminated outside of operating hours and identification of any non-security lighting to be turned off no later than one (1) hour after close of business.

2) Amend Section 6.4.6 to read as follows:

**6.4.6 Wall Mounted Fixtures.** ~~In Nonresidential Districts~~ *For all uses other than single and two-family dwellings*, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above *the ground directly below the luminaire grade* and shall be shielded to control glare.

3) Add a new Section 6.4.12 as follows:

**6.4.12 Hours.** All exterior lighting, including fixtures located on walls, light poles, and canopies, with the exception of security lighting, shall be turned off within one (1) hour after the close of business. This limitation shall only apply to commercial and institutional properties and not residential properties.

## **ARTICLE 29**

To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures], or take any other action in relation thereto:

1) Delete Section 4.5 in its entirety and replace with a new Section 4.5 to read as follows:

### **4.5 NONCONFORMING USES AND STRUCTURES**

**4.5.1 Applicability.** Nonconforming uses and structures, as defined in Section 2.0 of this Bylaw, may continue. Any alteration of a nonconforming use, or any alteration of a nonconforming structure, shall require authorization in accordance with this section. An alteration of a structure is a modification, structural change, extension, or reconstruction of the structure.

#### **4.5.2 Nonconforming Uses.**

**4.5.2.1 Permitted Alterations of Nonconforming Uses.** A structure that conforms dimensionally to current zoning regulations while its use no longer conforms, can be altered without needing a special permit if the Building Commissioner determines that the proposed alteration falls under any of the following circumstances:

**4.5.2.1.1** There is no extension or expansion of the exterior of the structure.

**4.5.2.1.2** There is no interior expansion that would intensify the use.

4.5.2.1.3 The alteration is made for the purposes of conforming to the building code for health and safety purposes.

4.5.2.2 **Special Permit Required for Alteration to Nonconforming Use.** The Board of Appeals may grant a special permit to modify, alter or extend a nonconforming use in accordance with this Section only if it determines that such modification, alteration or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and the town. To be considered insubstantial, the Board must find that the proposed use reflects the nature and purpose of the prior use, there is no difference in the quality, character or degree of the proposed use, and the proposed use is not different in its effect on the neighborhood.

#### 4.5.3 **Nonconforming Structures.**

4.5.3.1 **Permitted Alterations of Nonconforming Single and Two-Family Residential Structures.** Nonconforming single and two-family residential structures may be altered upon a determination by the Building Commissioner that such proposed alteration does not increase the nonconforming nature of said structure. The following circumstances shall be deemed not to increase the nonconforming nature of said structure and may be permitted as of right:

4.5.3.1.1 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot area, where the alteration will still comply with all such current requirements.

4.5.3.1.2 Alteration to a structure which complies with all current setbacks, building coverage and building height requirements but is located on a lot with insufficient lot frontage, where the alteration will still comply with all such current requirements.

4.5.3.1.3 Alteration to a structure which violates one (1) or more required setbacks, where the alteration will now comply with all current setback, yard, building coverage and building height requirements regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.1.4 Alteration to a side or face of a structure which violates

a required setback, where the alteration will not increase the setback violation, and will comply with building height restrictions regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.1.5 Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions of Section 5.0 of this bylaw shall not be exceeded.

4.5.3.2 **Special Permit Alterations of Nonconforming Structures.** In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure does not meet the requirements of Section 4.5.3.1, the Board of Appeals may grant a special permit to make alterations to a nonconforming structure in accordance with this Section only if it determines that such alteration does not substantially increase the nonconforming nature of said structure and would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of alterations to nonconforming structures may be considered for a special permit by the Board of Appeals:

4.5.3.2.1 Horizontal extension of an exterior wall at or along the same nonconforming distance within a required setback as the existing wall, provided that existing height restrictions shall not be exceeded, regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.3.2.2 Vertical extension of an existing exterior wall at or along the same or greater distance from a lot line, provided that the structure has a building height of no more than twenty-five (25) feet, if constructed on a lot that does not comply with current lot area and/or lot frontage requirements, or a building height no greater than permitted by this Bylaw if constructed on a lot that complies with current lot area and/or lot frontage requirements.

4.5.3.2.3 Construction of an overhang, porch, portico, or similar decorative feature, which extends no further than four (4) additional feet into a required setback area, provided that the Board of Appeals makes a positive finding that the proposed design element is de minimis



in nature and improves the aesthetic quality of the property.

**4.5.3.3 Variance Required for New or Expansion of Nonconformity.** In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure increases the nonconformity or results in a new nonconformity and does not meet the requirements of Section 4.5.3.1 nor of Section 4.5.3.2, a variance is required in accordance with Section 10.4 of this Bylaw. If the nonconforming nature of a structure would be increased by the proposed alteration, a variance from Board of Appeals shall be required to allow such alteration. In addition, no nonconforming structure, commercial or residential, shall be altered to accommodate a substantially different use, or to accommodate the same use in a substantially different manner or to a substantially greater extent, unless a variance allowing said alteration is granted by the Board of Appeals.

**4.5.3.4 Special Provisions for Reconstruction of Single and Two-Family Structures after Catastrophe or Voluntary Demolition.** Any single and two-family nonconforming structure may be reconstructed after a catastrophe or voluntary demolition only in accordance with the following provisions:

**4.5.3.4.1** Reconstruction of said premises shall commence within one (1) year after such voluntary demolition, or within two (2) years after such catastrophe, which time period may be extended by the Building Commissioner for good cause.

**4.5.3.4.2** The building as reconstructed:

**4.5.3.4.2.1** Shall be located on the same footprint as the original structure, and shall only be as great in volume or area as the original nonconforming structure; or

**4.5.3.4.2.2** Shall comply with all current setbacks, and building coverage and height requirements, except that if the lot does not comply with lot, area and frontage requirements, it must comply with a building height limit of twenty-five (25) feet.

4.5.3.4.3 In the event that the proposed reconstruction does not meet the provisions of Section 4.5.3.4.2, a special permit pursuant to Section 4.5.3.2, or a variance pursuant Section 4.5.3.3, as applicable, shall be required from the Board of Appeals for such reconstruction.

4.5.4 **Abandonment or Non-use.** A nonconforming use or nonconforming structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Bylaw.

4.5.5 **Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

**(Planning Board)**

**ARTICLE 30**

To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 5.5.5 [Corner Clearance], to prohibit fences from being located within a certain distance from intersections, or take any other action in relation thereto:

1) Amend Section 5.5.5 to read as follows:

5.5.5 **Corner Clearance.** On any corner lot, no building, structure, fence, wall, landscaping, or any other similar obstruction greater than three (3) feet above the road surface shall be located within the sight distance triangle. The sight distance triangle is the area formed by the point of intersection of the tangents of the curb lines or the tangents of the edge of pavement lines of the intersecting streets and the two points along those tangents that are a distance from that intersection point of twenty-five (25) feet. Said triangular area shall remain clear as to not interfere with traffic visibility around the corner.

**(Planning Board)**

**ARTICLE 31**

To see if the Town will vote to approve certain zoning amendments to the Westwood Zoning Bylaw related to Section 10.1.6 [Penalty for Noncriminal Complaint] to increase the penalty for a violation from \$100.00 to up to \$300.00 for each offense, or take any other action in relation thereto.

1) Amend Section 10.1.6 to read as follows: ***(bold italics denote new language words to be removed have strikethrough)***

**Penalty for Noncriminal Complaint.** In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of

M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be ~~one~~ **up to three** hundred dollars (~~\$100~~ **300.00**) for each offense *and the specific amount shall be in accordance with the Building Commissioner's adopted guidelines* Each day that such violation continues shall constitute and be considered a separate offense.

**(Planning Board)**

**ARTICLE 32**

To see if the Town will vote to approve certain housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct any errors or inconsistencies, including without limitation the correction of one or more erroneous section references, update the footnotes in Section 4.1 [Table of Principal Uses], and update the Official Zoning Map to remove an area depicted as a road without a zoning designation as follows:

- 1) Renumber and reorder the notes in Section 4.2 [NOTES TO TABLE OF PRINCIPAL USES] to correspond to the correct use in the table.

**4.2 NOTES FOR TABLE OF PRINCIPAL USES**

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.
- 3 Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- 4 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses
- 5 Except for a retail grocery store which may exceed 10,000 square feet.
- 6 Retail sales and services in the Industrial and Industrial-Office Districts between 15,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- 7 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be

required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.

8 A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.

9 Does not include wireless communications facilities.

2) Replace the number 15,000 in the below note with the number 10,000 so that the note is consistent with the table and reads as follows.

Retail sales and services in the Industrial and Industrial-Office Districts between 10,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.

3) Amend the Official Zoning Map to correct the portion of a lot depicted as a road without a zoning designation on the lot at 120 Birch Tree Drive (Assessor's Map 09, Lot 158) be amended so the lot is fully in the SRC (Single-Family Residence) zoning district, as shown on the revised Official Zoning Map dated May, 2017.

4) Amend Section 8.5.10 [Expiration of Special Permit] to change the Section reference from 8.6.5.4 to 8.5.5.4 to read as follows:

8.5.10 Expiration of Special Permit. A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes. Failure to provide recertification of owner occupancy pursuant to Section 8.5.5.4 shall be grounds for automatic expiration.

5) Amend Section 4.3.3.12 to change the Section reference from 8.6 to 8.5 to read as follows:

4.3.3.12 Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, subject to the conditions in Section 8.5.

6) Amend Section 8.1.2 [Special Permit Required] to change the Section reference from 8.6 to 8.5 to read as follows:

8.1.2 Special Permit Required. Upon the grant of a special permit by the Board of Appeals, the conversion and/or use of a one-family dwelling to a dwelling for not more than two (2) families may be authorized, provided that such one-family dwelling was constructed on or before December 31, 1938, and provided that the exterior character of the property remains consistent with that of a single-family dwelling, and provided that no accessory apartment is in existence on the same property pursuant to Section 8.5 of this Bylaw.

**(Planning Board)**

**ARTICLE 33**

To see if the Town will vote to rescind the vote taken at the September 9, 1946 Special Town Meeting to accept Section 42, 43, and 44 of Chapter 48 of the General Laws, or take any other action related thereon.

**(Board of Selectmen)**

**ARTICLE 34**

To see if the Town will vote to delete Section 8-2-2 "Fire Department" of Chapter 8 in the Town Charter and insert in its place:

**8-2-2.** Fire Department. There shall be a fire department in accordance with the terms in this charter and the general bylaws, and in accordance with Chapter 149 of the Acts of 2015.

**(Board of Selectmen)**

**ARTICLE 35**

To see if the Town will vote to amend the Town of Westwood Charter by inserting a new Chapter V "Fire Chief" as follows:

§80-27. *Duties of the Fire Chief.* There shall be a fire department to be under the control of an officer to be known as the Chief of the fire department. S/he shall have charge of extinguishing fires in the town and the protection of life and property in case of fire, medical emergency, or any hazard. S/he shall also act as Forest Warden for the Town. S/he shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. S/he shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided. Officers and firefighters shall be appointed in accordance with the town charter. The Chief shall have authority in the administration of the department and shall make all rules and regulations for its operation, all in accordance with the terms of the charter. S/he shall report to the Town Administrator and shall annually report to the Town the condition of the department with his/her recommendation thereon. In the expenditure of money, the chief shall be subject to such further limitations as the Board of Selectmen and Town Administrator from time to time prescribe.

§80-28. *Qualifications of Fire Chief.* The Personnel Board shall draft, and may from time to time amend, a set of qualifications for the selection of a Fire Chief, one of which shall be at least seven years of fire and emergency medical response experience, except that each year of supervisory experience in the rank of Lieutenant or higher shall count for two year.

§80-29. *Notice of availability of the position.* Prior to making an appointment, the Selectmen shall cause notice of availability of the position to be posted in places in the Town where notices to employees are generally posted, including within the Fire Department, and to be advertised in a newspaper of general circulation in the Town and in such other media as can be reasonably expected to give notice to qualified applicants.

§80-30. *Appointments.* The appointment shall be made by the Board of Selectmen for a term of not fewer than three (3) no more than five (5) years.

§80-31. *Discharge, removal, suspension, lowering of rank or compensation, abolishment of the position.* Without his/her consent in writing, the Fire Chief shall not be discharged, removed, suspended for a period exceeding five days, lowered in rank or compensation, nor shall the position be abolished except for just cause and for reasons specifically given to him/her in writing by the Board of Selectmen. At least three days after the Selectmen have given the Fire Chief a written statement of the specific reasons for contemplated action, the Fire Chief shall be given full hearing before them or a Hearing Officer appointed by the Selectmen for the purpose. Within ten days after the hearing, the Fire Chief shall be given a written notice of the decision of the Board of Selectmen stating fully and specifically the reasons therefore.

(a) *Suspension.* A suspension of the Fire Chief for a period not exceeding five days may be made by the Board of Selectmen, only for just cause. Within twenty-four hours of his/her suspension, the Fire Chief shall be given written notice stating the specific reasons for the suspension and informing him/her that s/he may, within forty-eight hours of receipt of written notice, request a hearing before the Board of Selectmen on the question of whether there was just cause for the suspension. Such a hearing will be held within seven days of receipt of written notice by the Fire Chief. Within seven days after the hearing, the Board of Selectmen shall give the Fire Chief written notice of its decision. By majority vote, the Board of Selectmen may find that the suspension was for just cause, or may reduce the number of days of the suspension, or may find that it was without just cause. If this suspension is found to be without just cause, the Fire Chief shall be deemed not to have been suspended and shall be entitled to compensation for the period for which s/he was suspended. If the number of days of the suspension is reduced by the full Board after the hearing, the Fire Chief shall receive compensation based on the number of days restored.

(b) *Public Hearing.* Any hearing under this section shall be public, if requested in writing by the Fire Chief, and s/he shall be allowed to answer the charges against him/her either personally or through counsel.

(c) *Right to arbitration.* Should the Fire Chief be aggrieved by a decision by the Board of Selectmen s/he may, within thirty days following the receipt of such decision, file a written notice of demand for arbitration with the Board of Selectmen and the American Arbitration Association. Within thirty days of receipt of such notice of demand, the Board of Selectmen shall file with the American Arbitration Association a complete copy of all proceedings before them, certified by the Clerk of the Board, and the Board may file any other supplementary documents or statements as may pertain to such matter. The matter shall then be settled by arbitration in the Town of Westwood or within Norfolk County, in accordance with the rules then existing of the American Arbitration Association. Such arbitration shall take place as soon as reasonably possible thereafter. In no event shall such arbitration take place after the date when institution of legal or equitable proceedings based on such aggrieved decision would be barred by applicable statute of limitation.

(d) *Judgment on arbitration.* The decision rendered by the arbitrator shall be final and the judgment then be entered upon in accordance with applicable laws in any court having jurisdiction thereof. In rendering his/her decision, the arbitrator shall consider whether the Board of Selectmen's decision is:

- In violation of constitutional provisions
- In excess of the authority of the Board of Selectmen
- Based upon an error of fact or law
- Made upon unlawful procedure
- Unsupported by substantial evidence
- Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law

If the arbitrator finds that the decision by the Board of Selectmen should be reversed, the Fire Chief shall be reinstated to his/her position without loss of compensation. The decision of the arbitrator shall be final and conclusive.

(e) *Delivery of Notice.* Any notice required under this section may be delivered by hand to the address shown in the records of the Town. A certificate of the person mailing the notice shall be proof of giving the notice.

**(Board of Selectmen)**

**ARTICLE 36**

To see if the Town will vote to amend the Code of the Town of Westwood, Chapter 1 General Provisions, Section, 1-6 Non-Criminal Disposition of bylaw violations by adding the following:

- C. Any violation issued shall include a due date for payment. Any payment received after said date shall accrue a rate of interest to be established at a rate equal to, or such other rate established by the Board of Selectmen no more than, the interest charged on tax bills under the provision of MGL Chapter 59, Section 57.

or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 37**

To see if the Town will vote to accept Massachusetts General Law Chapter 40, Section 58, Municipal Charges Lien, specifically for Building Division Fines and Fees; or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 38**

To see if the Town will vote to accept Massachusetts General Law Chapter 40, Section 58, Municipal Charges Lien, specifically for Board of Health and Health Division Fines and Fees; or take any other action thereon.

**(Board of Selectmen)**

**ARTICLE 39**

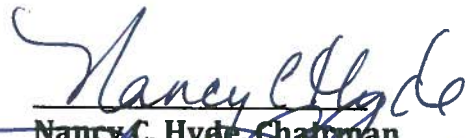
To see if the Town will vote to accept Massachusetts General Law Chapter 40, Section 58, Municipal Charges Lien, specifically for Conservation Commission and Conservation Division Fines and Fees; or take any other action thereon.

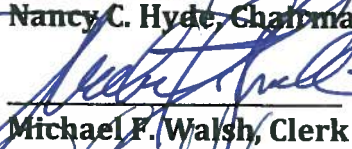
**(Board of Selectmen)**

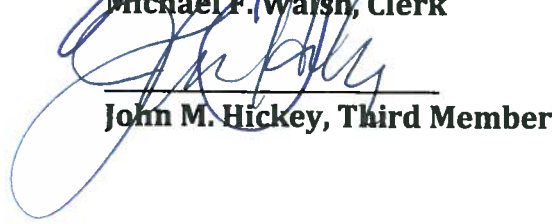


Given under our hands this 11<sup>th</sup> day of April, 2017

**BOARD OF SELECTMEN**


  
Nancy C. Hyde, Chairman

  
Michael F. Walsh, Clerk

  
John M. Hickey, Third Member

Norfolk,ss:

By virtue of this warrant, I have notified and warned the legal voters of Westwood, aforesaid to meet at the time and places specified in said warrant by posting attested copies thereof online and in four public places equally distributed among the four precincts in Westwood.

  
Constable, Sgt. Paul Sicard

4/12/17

Date

  
Town Clerk, Dorothy A. Powers, CMC, CMMC

4/12/17

Date