

**Articles to be discussed at March 6th & March 7th Finance and Warrant
Commission Public Hearing:**

Petition Articles

A. Islington Center Zoning Article

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)

B. Islington Center Zoning Article

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.

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>	<u>FMUOD 6</u>	<u>FMUOD 7</u>
9.5.9.1	Minimum Project Area	10 acres ¹	5 acres ¹	10 acres ¹	5 acres ¹	5 acres ¹	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 ²	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 ³	1.0	1.0	1.0	1.0	1.0	1.0

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

² 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.

³ 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.

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)

C. Housing Petition

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)

Board of Selectmen Articles

A. Street Acceptance

This is a standard article and would present private roads - that have been constructed and/or brought up to the Town's standards - for acceptance as a Town way. At present, there three (3) potential streets being suggested for acceptance: Phillips Way; Fox Meadow Drive and Deerfield Avenue Extension.

B. Street Acceptance

This is a standard article to present private roads - that have to be constructed and/or brought up to the Town's standards - for acceptance as a Town way. This article will include an appropriation to bringing the road up to town standards. In accordance with Town Policy, the property owners along Wilson Way will be reimbursing 50% of the actual cost for construction.

C. Road Improvements (Chapter 90)

This is a standard article that authorizes the acceptance of any state funds, including Chapter 90 funds that are allocated for maintenance of the Town's public ways. This article includes language that would authorize minor eminent domain takings that might be required.

D. Clapboardtree Easements and Takings

This article is intended to provide authority and funding for four (4) takings necessary to provide the necessary lane width for the left hand turn lane on Clapboardtree Street turning onto Washington Street. The cost of each taking will be established by an appraisal.

E. Clapboardtree/Washington Intersection Construction Funding

This article is intended request supplemental funding for the construction phase for the Clapboardtree Street turning lane project. The design and some of the construction funds were received from the Benchmark Senior Living Facility as a mitigation payment for its impact on the Town.

F. Complete Streets (Design next projects)

This article is intended to provide the Department of Public Works with funding to design the projects that will be submitted to the next round of the Complete Streets program for funding.

G. Amendments to Westwood General Bylaw Article 1, Section 6 to establish a due date and interest rate for the payment of municipal charges and bills in a manner permitted by MGL, Chapter 40 Section 21E [Municipal charges and bills; due dates; interest]

The purpose of this article is to accept the section of the state law (c. 40U §21E) and the adoption of appropriate procedures for the assessment and payment of the municipal fines.

H. Acceptance of MGL Chapter 40 Section 58 [Municipal Charges Lien] – Building Department Fees and Fines

The purpose of this article is to accept this section of state law (c. 40, §58), and the establishment of appropriate procedures for the assessment and collection of the municipal fines imposed by the Building Department. Adoption of this section of the MGL allows for the Town to place a lien on the property if the fine and fees are not paid.

I. Acceptance of MGL Chapter 40 Section 58 [Municipal Charges Lien] – Board of Health Fees and Fines

The purpose of this article is to accept this section of state law (c. 40, §58), and the establishment of appropriate procedures for the assessment and collection of the municipal fines imposed by the Board of Health. Adoption of this section of the MGL allows for the Town to place a lien on the property if the fine and fees are not paid.

J. Acceptance of MGL Chapter 40 Section 58 [Municipal Charges Lien] – Conservation Commission Fees and Fines

The purpose of this article is to accept this section of state law (c. 40, §58), and the establishment of appropriate procedures for the assessment and collection of the municipal fines imposed by the Conservation Commission. Adoption of this section of the MGL allows for the Town to place a lien on the property if the fine and fees are not paid.

K. Possible Takings on East Street

This article is intended provide the authority and funding for replacement of the East Street Bridge. The MBTA and MassDOT are currently preparing design plans and bid documents to replace the East Street Bridge providing greater height and width clearance.

L. Town Bylaw Amendment – Prohibit the Use of Marijuana in Public Property

This article would adopt a bylaw that would prohibit the use of marijuana in public places thereby providing the Police Department with the authority to enforce these restrictions.

Planning Board Articles

A. Zoning Amendments Related to Recreational Marijuana

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions] to add a definition for Marijuana Establishments Non-Medical, amend Section 4.0 [Use Regulations] to prohibit Marijuana Establishments for Non-Medical in all zoning districts, and make any necessary amendments to Section 7.4 [Registered Marijuana Dispensaries (RMD)]. The purpose of this amendment is to prohibit marijuana establishments other than the medical uses permitted in the RMD to protect Westwood related to the sale of recreational marijuana. Amendments are being made to comply with the recent allowance of the regulation and taxation of marijuana.

B. Zoning Amendment Related to Accessory Apartments

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 8.5 [Accessory Apartments] by considering amendments to the number of Special Permits. The purpose of this article is to increase the maximum number of available Special Permits that can be issued by the Zoning Board of Appeals, which is presently limited to one percent (1%) of the current number of single-family and two-family dwelling units in Town. The proposal is to increase the maximum number to 2 percent (2%).

C. Zoning Amendments Related to Storage Facilities

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to self-storage and mini-storage facilities. Amendments will include a new section for Special Permit criteria related to parking, siting, setbacks, and screening. The purpose of this article is to ensure that storage facilities are appropriately sited, neighborhoods and prime commercial real estate is protected and reserved for the highest and best use.

D. Zoning Amendments Related to Large Scale Solar for Residential Properties

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to the review process for solar arrays. The proposal is for roof mounted solar arrays to be allowed by-right on principal buildings and require a Special Permit for ground mounted solar facilities and for solar on accessory structures. The purpose of this article is to expedite the review process for homeowner's looking to install solar panels on existing roofs on the main house without having to go through the Zoning Board of Appeals' Special Permit process.

E. Zoning Amendment Related to Earth Material Movement Permit Process

To see if the Town will vote to approve certain zoning amendments to Sections 4.1 [Use Regulations], 7.1 [Earth Material Movement] and Section 7.3 [Environmental Impact and Design Review (EIDR)] of the Zoning Bylaw to change the type of approval required by the Planning Board from a Special Permit to an EIDR approval and make any other amendments to clarify its purpose and focus on the transportation of earth material. The

purpose of this article is to expedite the permit review process to allow Applicant's to apply for a building permit shortly after Board approval.

F. Zoning Amendments Related to Exterior Lighting for Nonresidential

To see if the Town will vote to approve certain zoning amendments to Section 6.4 [Exterior Lighting] of the Zoning Bylaw to clarify the 15 ft. height restriction of wall mounted light fixtures for commercial properties and require non-security lighting to be turned off within an hour after the close of business, and have security and non-security lighting identified on the exterior lighting plan. The purpose of this article is to protect properties against glare and light trespass.

G. Zoning Amendments Related to Nonconforming Uses and Structures

To see if the Town will vote to approve certain zoning amendments to Section 2.0 [Definitions], Section 4.5 [Nonconforming Uses and Structures] and related sections of the Zoning Bylaw. The purpose of this article is to revisit the Special Permit criteria for alterations to existing nonconforming residential properties and the provisions for permitting reconstruction of single and two-families after voluntary demolition. This proposal will change the process for altering, extending, and demolishing nonconforming structures and has been submitted in response to a petition article aimed at protecting smaller starter homes.

H. Zoning Amendment Related to Corner Clearance

To see if the Town will vote to approve a zoning amendment to Section 5.5.5 [Corner Clearance] of the Zoning Bylaw to prevent fencing, landscaping and other obstructions from blocking the sight distances at corners. The purpose of this amendment is to protect visibility at street intersections.

I. Zoning Amendment Related to Penalty for Noncriminal Complaint

To see if the Town will vote to approve a zoning amendment to Section 10.1.6 [Penalty for Noncriminal Complaint] of the Zoning Bylaw to increase the penalty for a violation from \$100.00 to up to \$300.00 for each offense. The purpose of this article is to give the Building Commissioner authority to impose a fine that motivates timely compliance.

J. Zoning Amendment Related to Sodium Chloride Use in UAMUD and WRPOD

To see if the Town will vote to approve certain zoning amendments to permit the storage of sodium chloride based deicers and snow removal products in the UAMUD (University Avenue Mixed Use Overlay District) Section 9.7 and the WRPOD (Water Resources Protection Overlay District) Section 9.7.5 by Special Permit from the Planning Board. The purpose of this article is to allow for the consideration of other alternatives to calcium chloride, such as sodium chloride, to remove snow or ice within the WRPOD and UAMUD project area under certain conditions.

K. Housekeeping Amendments to Zoning Bylaw and Official Zoning Map

To see if the Town will vote to approve general housekeeping amendments to various sections of the Zoning Bylaw and Official Zoning Map as may be necessary to correct any

errors or inconsistencies and to clarify sections, including but without limitation to the correction of a section reference to “Accessory Apartments” in the Table of Uses references the wrong section number, Note 3 in the Table of Principal Uses does not correspond to the details in the chart above, and the connection appears as a road between Dover Terrace and Birch Tree Drive.

Articles to be removed from consideration at the Board of Selectmen Meeting on February 13, 2017

A. Acceptance of MGL Chapter 40U [Municipal Fines]

This article will be voted to be removed at the Selectmen’s February 13, 2017 meeting.

B. Acceptance of MGL Chapter 40 Section 58 [Municipal Charges Lien] – Planning Board Fees and Fines

This article will be voted to be removed at the Selectmen’s February 13, 2017 meeting.

C. Acceptance of MGL Chapter 40 Section 58 [Municipal Charges Lien] – Zoning Board Fees and Fines

This article will be voted to be removed at the Selectmen’s February 13, 2017 meeting.

Article to be discussed at March 27th & March 28th Finance and Warrant Commission Public Hearing:

A. Supplemental Appropriations FY17

This article is intended to transfer funds from budget accounts that have a surplus into accounts that are projected to be in deficit by the end of the fiscal year.

B. Supplemental Appropriations FY17

This article is intended to cover any projected budget deficits with funds from other available accounts which include, but are not limited to, Free Cash and Reserve Funds or other available accounts, such as ambulance revenue, reserved state aid, budget surplus, etc.

C. Unpaid Prior Year’s Bills

This article is reserved to consider payment of unpaid bills remaining from a closed out fiscal year. Once a fiscal year is closed in July, any bill that is subsequently submitted from that year is considered an unpaid bill which requires a 9/10 Town Meeting vote authorizing its payment.

D. FY18 Town Operating Budgets

This article seeks official approval of the Annual Operating Budget for the upcoming fiscal year. It includes a detailed accounting of the source of all funds being appropriated, including but not limited to, tax revenue and local receipts, state aid, and appropriations from other specified available funds.

E. Appropriations – Municipal Capital

This article is intended to appropriate funds for the Town's municipal capital, equipment and projects for the next fiscal year.

F. Appropriations – School Capital

This article is intended to appropriate funds for the Town's school capital, equipment and projects for the next fiscal year.

G. Appropriations – Sewer Capital

This article is intended to appropriate funds for the Town's sewer capital, equipment and projects for the next fiscal year. The items in this article are funded from Sewer User fees and/or Sewer Retained Earnings.

H. Appropriations – Other Capital Improvements

This article is intended to appropriate funds for the Town's other capital, equipment and/or projects in addition to the in the above articles for the next fiscal year.

I. Appropriations – Stabilization Fund FY18

This article is intended to appropriate funds into the Town's Stabilization Account. The Stabilization Reserve Account provides funds that can be used to meet some unforeseen, extraordinary expenditure or to be able to absorb a fiscal shock. Maintaining a healthy stabilization reserve is viewed positively by the rating agencies, especially now that Westwood has achieved its reserve fund goal. It is important that the Town continue to maintain that achievement by appropriating a sum each year. Appropriating funds in to and out of this account requires a 2/3 majority vote at Town Meeting.

J. Appropriation – OPEB Liability Trust Fund FY18

This article is intended to appropriate funds to the OPEB Liability Trust Account. The Town has achieved the recommended annual appropriation level and the slight increase over FY17 should keep the Town in line with the expected annual increase in that level.

K. Appropriation to Capital Stabilization Fund

This article is intended to appropriate funds, primarily unappropriated revenue, to the Capital Stabilization fund, established to accumulate funds to be allocated for future capital investments. Appropriating funds into and out of this account requires a 2/3 majority vote at Town Meeting.

L. Appropriation of Free Cash to Reduce Tax Levy

This article would appropriate an amount of free cash to lower the current tax rate and as relief to all property taxpayers. This is a direct obvious way to provide tax relief to all property owners, even if not a significant amount. This reduction applies to all residential and commercial taxpayers by DOR rules.

M. Reserved for Fire Department Task Force

This article serves as a placeholder to insert an article recommended by the Fire Department Task Force that may come up before the official Warrant is approved.

N. Reserved for Fire Department Task Force

This article serves as a placeholder to insert an article recommended by the Fire Department Task Force that may come up before the official Warrant is approved.

O. Reserved for Fire Department Task Force

This article serves as a placeholder to insert an article recommended by the Fire Department Task Force that may come up before the official Warrant is approved.

P. Miscellaneous (4 Total)

This article serves as a placeholder to insert an Article in support of Town Government that may come up before the official Warrant is approved