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TOWN OF WESTWOOD



**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS FOR ENVIRONMENTAL IMPACT &
DESIGN REVIEW (EIDR) APPROVAL**

ADOPTED September 1, 2015

**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS OF THE WESTWOOD PLANNING
BOARD FOR ENVIRONMENTAL IMPACT & DESIGN REVIEW (EIDR)
APPROVAL PURSUANT TO SECTIONS 7.3, 8.3 AND 9.4 OF THE
WESTWOOD ZONING BYLAW**

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**PLANNING BOARD
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**RULES AND REGULATIONS OF THE WESTWOOD PLANNING
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APPROVAL PURSUANT TO SECTIONS 7.3, 8.3 AND 9.4 OF THE
WESTWOOD ZONING BYLAW**

SECTION 1.0 GENERAL PROVISIONS

1.1 PURPOSE AND AUTHORITY

These Rules and Regulations are adopted by the Westwood Planning Board, hereinafter called the Board, as the granting authority as provided for in M.G.L. Chapter 40A for the purpose of establishing uniform rules and procedures for the granting of Environmental Impact & Design Review (EIDR) Approvals pursuant to Sections 7.3, 8.3 and 9.4 of the Zoning Bylaw of the Town of Westwood (Zoning Bylaw), as may be amended from time to time. Applicants must comply with any and all other requirements and procedures set forth in the Zoning Bylaw in addition to those specified in these Rules and Regulations.

1.1.1 These Rules and Regulations apply to all of the following applications for Planning Board EIDR Approvals as set forth in the Zoning Bylaw:

1.1.1.1 *General EIDR Approval* pursuant to Section 7.3;

1.1.1.2 *Limited EIDR Approval* pursuant to Section 7.3;

1.1.1.3 *Open Space Residential Development EIDR Approval* pursuant to Section 8.3;

1.1.1.4 *Wireless Communications Overlay District EIDR Approval* pursuant to Section 9.4;

1.2 APPLICABILITY

A property owner of record and/or an agent or prospective purchaser who submits certification of property interest and authority to file may file an Application for EIDR Approval. Without exception, the property owner(s) of record and/or agent(s) or prospective purchaser(s) shall be a signatory on the official Application Form. An application submitted without all the required signatures shall be considered failure to submit an application and shall be returned for completion and refiling. The date of such refiling shall be the official date of application.

1.3 ADOPTION AND AMENDMENT

These Rules and Regulations may be adopted and from time to time amended by majority vote of the Board. Prior to the initial adoption of these Rules and Regulations and any subsequent revisions or amendments, the Board shall hold a public hearing. Notice of the public hearing shall be in accordance with Section 16.2 of these Rules and Regulations, with the exception that there will be no notice to Parties in Interest unless a written request is submitted to the Board, which shall be kept on record in the Planning Board office. None of the provisions of these regulations is intended to conflict with the provisions of the Massachusetts General Laws or of the Westwood Zoning Bylaw. In the case of any conflict, the General Laws and Zoning Bylaw shall take precedence over these regulations.

1.4 EFFECTIVE DATE

These Rules and Regulations become effective when voted on affirmatively by a majority of the Board and filed with the Office of the Town Clerk.

1.5 DEFINITION OF TERMS

All capitalized terms used in these Rules and Regulations which are not specifically defined herein shall be construed in accordance with Section 2.0 [Definitions] of the Town of Westwood Zoning Bylaw.

SECTION 2.0 PRELIMINARY REVIEW

2.1 PRELIMINARY STAFF CONSULTATION

It is recommended that an Applicant consult with the Town Planner prior to the formal application filing to prevent serious delays in the review of the application due to procedural or substantive issues. It is the sole responsibility of the Applicant to ensure that the application as filed is complete and accurate according to these Rules and Regulations and the Zoning Bylaw. If any other approvals or special permits are required from the Board for the project, then these should be discussed with the staff at this time. Any information exchanged as part of this preliminary staff consultation shall be considered as advisory and shall not be binding on the part of the Applicant or Board.

2.2 LAND USE COMMITTEE

The Applicant may request the Land Use Committee to perform a preliminary staff review of the proposed application in an effort to identify salient issues and the regulatory framework applicable to the proposed project. The Land Use Committee is comprised of the Town Planner, Director of Community and Economic Development, Building Commissioner, Health Director, Water District Director, Public Works Director, Town Engineer, Deputy Fire Chief, Public Safety Officer, Conservation Commission Agent, Land Use Specialist, and Zoning Board of Appeals Administrator and meets on a monthly basis. Any information exchanged as part of this meeting shall be considered as advisory and shall not be binding on the part of the Applicant or Board.

2.3 PLANNING BOARD PRE-APPLICATION REVIEW

If warranted by the complexity of an application, the Chair may appoint a subcommittee of one or two Board members to participate in a pre-application conference with the Applicant and the Board's staff. Preliminary plans or sketches may be submitted for discussion purposes and to assist in the identification of the nature of information necessary to meet the requirements of these Rules and Regulations and the Zoning Bylaw and to address issues of concern to the Town and abutters. If any other approvals or special permits are required from the Board for the project, then these should be discussed with the subcommittee members and staff at this time. Information exchanged as part of any pre-application conference shall be considered as advisory and shall not be binding on the part of the Applicant or the Board.

SECTION 3.0 ADMINISTRATIVE REVIEW

3.1 AUTHORITY FOR ADMINISTRATIVE REVIEW

Pursuant to Section 7.3.6 of the Zoning Bylaw, an Application for EIDR Approval involving only exterior alterations to buildings or sites, and / or only a change of use that meets the minimum off-street parking requirements, which alterations are determined by the Building Commissioner to be minor in nature, shall be reviewed and considered for approval by the Town Planner as an Application for Administrative EIDR Approval.

3.2 ADMINISTRATIVE SUBMITTAL REQUIREMENTS

The Application Form and submittal items for Administrative Review shall be the same as set forth in Section 7.0 of these Rules and Regulations for Planning Board consideration, except in the number of paper copies required, which shall be a minimum of four (4) and one (1) electronic copy, or reduced to a number determined by the Town Planner to be sufficient for review purposes.

3.3 ADMINISTRATIVE DECISION AND NOTIFICATION

The Town Planner, within 21 days of receipt of a complete Application, shall review the application and submittal items for conformance with the standards set forth in all relevant sections of the Zoning Bylaw, and shall issue an Administrative EIDR Approval, an Administrative EIDR Approval with Conditions, or an Administrative EIDR Denial of said application. Prior to the expiration of the 21-day period, said decision shall be recorded in the Office of the Town Clerk and a copy of said decision shall be mailed by the Town Planner, postage prepaid, to the Applicant.

3.4 SUBSEQUENT PLANNING BOARD REVIEW

In the case of an Administrative EIDR Approval with Conditions or an Administrative EIDR Denial, the Applicant may request that the Town Planner's decision be set aside, and may pursue consideration of the EIDR Application by the Planning Board in the course of a duly noticed public hearing. In such case, the Applicant shall, within 30 days of the filing of

the Administrative Approval with Conditions or the Administrative Denial in the Office of the Town Clerk, file a letter with the Planning Board and the Town Clerk requesting Planning Board review of the EIDR Application, and shall submit a check to cover all fees required pursuant to Section 4.0 of these Rules and Regulations. The date of filing of said letter in the Office of the Town Clerk shall constitute the effective date of the filing of the EIDR Application for Planning Board consideration pursuant to Section 16.0 of these Rules and regulations.

SECTION 4.0 PROJECT FEES

4.1 APPLICATION FEES

The Application Fee for an original Application, repetitive Application or an amendment to an EIDR Approval, shall be as set forth below. The Application Fee shall be non-refundable, and no application shall be deemed complete until such fee is received.

4.1.1 General or Limited EIDR Approval:

- 4.1.1.1** Projects involving new structures: \$1,000 or \$.05 per square foot of gross floor area for each new structure, whichever is greater.
- 4.1.1.2** Projects involving renovations and/or additions to existing structures, with or without site alteration: \$750 or \$.05 per square foot of additional floor area, whichever is greater.
- 4.1.1.3** Projects involving site alteration only, including alterations to parking and/or circulation: \$500.

4.1.2 Open Space Residential EIDR Approval:

- 4.1.2.1** Projects involving 1-4 dwelling units: \$2,000 plus \$200 per dwelling unit.
- 4.1.2.2** Projects involving 5-8 dwelling units: \$3,000 plus \$200 per dwelling unit.
- 4.1.2.3** Projects involving 9-12 dwelling units: \$4,000 plus \$200 per dwelling unit.
- 4.1.2.4** Projects involving over 12 dwelling units: \$5,000 plus \$200 per dwelling unit.

4.1.3 Wireless Communication Overlay District EIDR Approval:

- 4.1.3.1** Projects involving new structures: \$1,000 or \$.05 per square foot of gross floor area for each new structure, whichever is greater.

4.1.3.2 Projects involving renovations and/or additions to existing structures, with or without site alteration: \$750 or \$.05 per square foot of additional floor area, whichever is greater.

4.1.4 *Administrative EIDR Review of Minor Alterations: \$250.*

4.2 *PROJECT REVIEW FEES*

4.2.1 The Board shall impose a Project Review Fee on those applications which require, in the judgment of the Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the necessary review. In hiring outside consultants, the Board may engage engineers, planners, attorneys, designers, and/or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2.2 The Board shall determine if a Project Review Fee is required to assist in the review of an application before the close of the second continuation of the public hearing for the application. If it is determined that a Project Review Fee is required, then the Board shall notify the Applicant of the amount of said fee. The required fee must be received by the Town within fourteen (14) days after the receipt of the notification. If the fee is not received the application shall be deemed incomplete, the required time limits for action upon an application by the Board shall be extended by the duration of the non-payment, and no review work shall commence until the fee has been paid in full. The Project Review Fee shall be deposited in an account established pursuant to M.G.L. Chapter 44, Section 53G (53G Account).

4.2.4 Excess fees in the 53G Account, including any accumulated interest, shall be returned to the Applicant or the Applicant's successor in interest, with the final inspection of the approved project or at the time of final disapproval of the application. Any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

4.2.5 The Board shall notify the Applicant of the Board's selection of a consultant for the review of an application. The Board's selection of a consultant may be appealed in writing to the Board of Selectman by the Applicant, provided that said appeal is filed in the Office of the Town Clerk within fourteen (14) days after the Applicant's receipt of the notification of the initial selection.

4.2.6 The following two circumstances shall constitute the only valid grounds for appeal and possible disqualification of the selected consultant:

4.2.6.1 Conflict of Interest: The selected consultant shall not have a financial interest in the project under review, or be in a position to financially

benefit in some way from the outcome of the pending review process. The selected consultant must be in compliance with the M.G.L. Chapter 268A (Conflict of Interest Law).

4.2.6.2 Lack of Appropriate Qualifications: The selected consultant shall possess the minimum required qualifications for the position, which shall consist of either an educational degree in the field at issue or a related field, or a minimum of three years of practice in the field at issue or a related field.

4.2.7 The Board of Selectmen shall convene a formal hearing within twenty (20) days after the date of filing of a written appeal of the Board's selection of a consultant for the review of an application. If no decision is rendered by the Board of Selectmen within forty-five (45) days following the filing of a written appeal, the selection made by the Board shall stand. The required time limits for action upon an application by the Board shall be extended by the entire duration of any such appeal.

4.3 *INSPECTION FEES*

4.3.1 The Applicant shall be responsible for all costs associated with inspections as required by these Rules and Regulations. At the time of formal application, the Applicant shall submit a non-refundable Initial Inspection Fee in the amount of two thousand dollars (\$2,000) per each one thousand (1,000) feet of proposed ways including all fractions thereof.

4.3.2 The Planning Board, in consultation with the Town Engineer or designee, shall determine the amount of any Supplemental Inspection Fee required based on the nature of the project. This additional Inspection Fee shall equal the hourly rate of the Town Engineer or designee plus ten percent (10%), multiplied by the number of anticipated inspection hours.

4.3.3 If it is determined that a Supplemental Inspection Fee is required, then the Board shall notify the Applicant of such decision. The required fee must be received by the Town within fourteen (14) days after the receipt of the notification.

4.3.4 The Planning Board, in consultation with the Town Engineer or designee, shall determine the amount of any additional Inspection Fee funds required should the Initial Inspection Fee and/or Supplemental Inspection Fee funds approach depletion. Notification and payment of any such additional Inspection Fee funds shall be in accordance with Section 4.3.3.

4.3.5 Excess Inspection Fees shall be returned to the Applicant or the Applicant's successor in interest, following the final inspection of the approved project or at the time of final disapproval of the application.

4.4 *TRANSCRIPTION COSTS*

If the Board so requires, the Applicant shall be responsible for all costs associated with the transcription of the public hearing for the application.

4.5 DELINQUENT FEES

4.5.1 All fees which remain unpaid one (1) month from the due date shall be subject to a monthly interest charge not to exceed an annual interest rate of eighteen percent (18%).

4.5.2 All costs of collection associated with past due accounts shall be borne by the Applicant.

SECTION 5.0 APPLICATION REQUIREMENTS

5.1 APPLICATION FILING

A person may submit applications to the Planning Board by:

A. Delivery, in person, to the Town Clerk, 580 High Street, Westwood, MA, 02090.

or by,

B. Delivery, in person or by courier, to the Town Planner or duly authorized agent at the Planning Office, Carby Municipal Building, 50 Carby Street, Westwood, MA 02090, during normal working hours of 8:30 A.M. to 4:30 P.M., Monday through Thursday, 8:30 A.M. to 1:00 P.M. Fridays, holidays excluded.

Applications shall be reviewed by the Town Planner, or his or her designee, to confirm all required contents are in the correct format as outlined below to ensure a properly executed application. The initial review of the application shall be to determine if all the required materials are included within the application and shall not be considered as any determination with respect to the quality of the information contained therein. A copy of the properly executed application shall forthwith be filed with the Town Clerk. Receipt of a properly executed application by the Town Clerk shall be the official time of filing.

In the event that the Town Planner deems an application to be incomplete or otherwise not properly filed with all required items listed below, the applicant will be notified in writing and given the opportunity within a specified period of time to bring the application into compliance. An application which is the subject of such notice, but is not brought into compliance within the period specified in such notice, shall be denied for failure to comply with these rules.

5.2 OFFICIAL APPLICATION FORM

An Application for EIDR Approval shall be made on an official Application Form, which is available in the Planning Office and on the Town's website. Any communication not on this official form shall be considered as a notice of intention to apply and not as an official application. It is the responsibility of the Applicant to ensure the accuracy and completeness of all information submitted to the Board. The Applicant is also responsible for factually

supporting all information contained in the application including references for methodologies used in design calculations. In the case of an application for Wireless Communication Overlay District EIDR Approval, the Applicant shall provide documentation of the legal right to install and use the wireless communication facility. Failure to meet these requirements may constitute grounds for the disapproval of an application.

5.3 REQUEST FOR WAIVERS

Strict compliance with these Rules and Regulations may be waived if the Board finds that the waiver is in the public interest or is not applicable to the development project, and is consistent with the intent and purpose of these Rules and Regulations and the Westwood Zoning Bylaw. A request from an Applicant for a waiver of these Rules and Regulations must be submitted in writing to the Board at the time of submission of the formal application. Such request must clearly identify the provision of these Rules and Regulations requested to be waived and the reasons why, in the Applicant's opinion, granting the requested waiver would be in the public interest, or the reasons why, in the Applicant's opinion, the specific information required is irrelevant to the project. It shall be the responsibility of the Applicant to demonstrate that the granting of a requested waiver is consistent with the intent and purpose of these Rules and Regulations and the Westwood Zoning Bylaw. If a majority of the Board votes to deny a waiver request, the Applicant shall comply with the applicable Rules and Regulations and submit all outstanding information and/or materials within fourteen (14) days of such waiver denial. Failure to provide any outstanding information and/or materials may constitute grounds for disapproval of an application.

5.4 NUMBER OF COPIES

At the time of application, the Applicant shall file one (1) complete paper copy of the official Application Form and all plans, narrative, exhibits, analyses and any other information and/or attachments with the Office of the Town Clerk (plan may be reduced size). The Applicant shall also file with the Planning Board one (1) electronic copy and a minimum of ten (10) paper copies of the official Application Form and all plans, narratives, waiver request, exhibits, analyses and any other information and/or attachments.

5.5 SIZE OF PLAN SHEETS

Four (4) copies of the plan sheets shall be 24" x 36" and seven (7) copies of the plan sheets shall be 11" x 17". The plans reduced to 11" x 17" may be filed with the Town Clerk.

5.6 CERTIFIED ABUTTERS LIST

A list of Parties in Interest shall be created and certified by the Westwood Board of Assessors. The Planning Board, through the Planning Office, shall be responsible for notification of the public hearing. The Parties in Interest shall include:

- Applicant;
- Property Owner;

- Abutters;
- Owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet of the property line of the subject property as they appear on the most recent applicable tax list (which includes any applicable abutters in abutting communities);
- Planning Board;
- Planning Boards of all abutting communities.

5.7 OTHER VARIANCES, PERMITS AND SPECIAL PERMITS

The Applicant shall provide a list and copies of all variances, permits, special permits, and/or orders of conditions previously issued by other Town boards and commissions or State and Federal agencies applicable to the subject property, and a list of any variances, permits, special permits, and/or orders of conditions required to complete the proposed work. This list should include, but not be limited to, any approvals required by the Board of Health, Conservation Commission, Zoning Board of Appeals, Planning Board, MassDOT Highway Division, Massachusetts Department of Environmental Protection, U.S. Army Corp. of Engineers, and certificates issued by the Secretary of Energy and Environmental Affairs under the Massachusetts Environmental Policy Act.

SECTION 6.0 CONSOLIDATION OF APPLICATIONS

6.1 SUBMISSION OF CONCURRENT APPLICATIONS

If the project requires approval under the M.G.L. Chapter 41, Sections 81A-81GG (Subdivision Control Law), or the issuance of any special permit for which the Board is the Special Permit Granting Authority, the Applicant is strongly encouraged to submit all such applications concurrently.

6.2 COORDINATION OF REVIEW OF OTHER APPLICATIONS

If the project requires approval under the Subdivision Control Law, or the issuance of any special permit for which the Planning Board is the Special Permit Granting Authority, one or more requirements of these Rules and Regulations may be waived to avoid multiple submissions of the same information required pursuant to the various applications. In this case, the Applicant may combine the required information and plans for the various applications, provided that all information required as part of these Rules and Regulations is included in the set of combined applications, and provided the Applicant submits a written statement to that effect. All fees required under the various applications shall be submitted, unless otherwise waived by the Board.

SECTION 7.0 PLAN & REPORT REQUIREMENTS

7.1 REQUIRED PLANS

Plans shall be submitted as set forth below and as required pursuant to the applicable sections of the Zoning Bylaw:

7.1.1 Plans Required. Plans shall be required as determined by the Town Planner to be relevant to the Planning Board's consideration of the EIDR Application, except as waived by a majority vote of the Planning Board.

7.1.2 General Information Required on Plans. Plan sheets shall contain the following general information, which shall appear on each individual plan sheet:

7.1.2.1 Title block containing the name of the project.

7.1.2.2 Name of Applicant and property owner of record.

7.1.2.3 Name, address and imprint of the professional registration stamp of the Registered Landscape Architect, Registered Professional Land Surveyor and/or Registered Professional Engineer responsible for the preparation of each sheet.

7.1.2.4 Title and number of each sheet (i.e. Sheet Number 1 of 6 sheets).

7.1.2.5 Date of plan and the date of any subsequent revision, with the revisions noted on each sheet.

7.1.2.6 Scale and arrow oriented to true north.

7.1.2.7 Signature block for Planning Board endorsement and date of endorsement, if applicable.

7.1.2.8 Signature block for Sewer Commission endorsement and date of endorsement, if applicable.

7.1.2.9 Signature block for Town Clerk certification of no appeal and date of the certification, if applicable.

7.1.2.10 Legend denoting any signs or symbols not otherwise explained.

7.1.3 Locus Map Requirements. A Locus Map shall show the boundaries of the property subject to the Application in relation to the boundaries of all adjoining properties, affected zoning districts, public and private streets and ways, buildings, water bodies and other landmarks within a minimum distance of one (1) mile.

7.1.4 General Layout Map. A General Layout Map shall show the development project drawn to a scale suitable to fit on one sheet, including the existing and proposed layouts of the streets and ways, lot boundary lines, lot numbers, proposed structure locations and open space areas. The general layout map shall be shown on the title page or subsequent page. For each of the items specified below, as applicable,

information shall be provided pertaining to existing pre-development conditions, requirements set forth in the Zoning Bylaw, and project development characteristics:

- 7.1.4.1 Total project area and individual lot area.
- 7.1.4.2 Lot frontage.
- 7.1.4.3 Lot width.
- 7.1.4.4 Yard setbacks.
- 7.1.4.5 Building height.
- 7.1.4.6 Area designated as permanent open space.
- 7.1.4.7 Area and percentage of non-wetland lot area.
- 7.1.4.8 Area and percentage building coverage.
- 7.1.4.9 Area and percentage of impervious surface.
- 7.1.4.10 Landscaped area.
- 7.1.4.11 Gross floor area, net floor area, and Floor Area Ratio (FAR) of non-residential buildings.
- 7.1.4.12 Number of bedrooms per dwelling unit.
- 7.1.4.13 Number of dwelling units and dwelling unit density per acre.
- 7.1.4.14 Number of Affordable Dwelling Units.
- 7.1.4.15 Number of Moderate Income Dwelling Units.
- 7.1.4.16 Number of Senior Residential Dwelling Units.
- 7.1.4.17 Number of parking spaces, including designated handicapped spaces.
- 7.1.4.18 Number of bicycle parking spaces, including bicycle racks, storage containers, and interior accommodations.
- 7.1.4.19 Number of loading bays.
- 7.1.4.20 Length of streets and ways.

7.1.5 Existing Conditions Plan Requirements. The Existing Conditions Plan shall include the following information:

- 7.1.5.1 Site features, including but not limited to, flood plains, waterways, drainage courses, ponds, ledge outcroppings, soil characteristics, trees with a caliper of six (6) inches or larger, and vegetation and any species occurring on the site that is listed by the Massachusetts Natural Heritage Program as endangered, threatened and/or of special concern.
- 7.1.5.2 All existing monuments and improvements, including but not limited to, buildings, structures, roads and ways, stone walls, underground and above ground storage tanks, wastewater disposal systems and wells.
- 7.1.5.3 Designation of all existing monuments, improvements, and trees with a caliper of six (6) inches or larger to be removed, with notation as to each tree's size and species.
- 7.1.5.4 Existing topographic contours shown at two (2) foot intervals, and at one (1) foot intervals within the Special Flood Hazard Areas as defined in the most recent Flood Insurance Rate Map.

7.1.5.5 All wetlands, wetland buffer area boundaries and vernal pools defined as those areas subject to the provisions of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Westwood Wetlands Protection Bylaw, Article 18 of the Westwood General Bylaws.

7.1.5.6 The perimeters of all proposed improvements, including but not limited to, proposed buildings, structures, roadways and paved areas superimposed in a faded or screened back mode.

7.1.6 *Site Development Plan Requirements.* The Site Development Plan shall include the following information:

7.1.6.1 All zoning classifications and zoning district boundaries, including boundaries of Special Flood Hazard Areas, and Water Resource Protection Overlay and any other Overlay Districts, if applicable.

7.1.6.2 Boundaries, lot area, and non-wetland area of building and non-building lots.

7.1.6.3 Proposed topographic contours shown at two (2) foot intervals, and at one (1) foot intervals within the Special Flood Hazard Areas as defined in the most recent Flood Insurance Rate Map.

7.1.6.4 Location of any special site features including, but not limited to, waterways, wetlands, bridges, dams, drainage courses, stone walls, fences and wells, with indication of any proposed alterations of any of these features.

7.1.6.5 Location and layout of all proposed streets, ways, access and interior driveways, walkways and paths, sidewalks, parking lots, fire lanes, loading areas and other impervious covers with all dimensions necessary to determine compliance, as applicable, with the Zoning Bylaw and the Rules and Regulations Governing the Subdivision of Land in the Town of Westwood, Massachusetts (Subdivision Regulations), as amended from time to time.

7.1.6.6 Sidewalks shall be in compliance with the Board's Subdivision Rules and Regulations. Sidewalks crossing driveway openings shall match the grade of the intersecting sidewalk to provide a level area along the sidewalk path and must not slope down across the driveway.

7.1.6.7 Any driveway intended to be used as a shared driveway shall be identified. In the case where such a driveway is proposed, the plan must show sufficient detail so that the Board may evaluate how the driveway is intended to serve the various sites and uses.

7.1.6.8 Location and outline or footprint of all buildings or structures with finished floor elevation, dimensions, and setback distances from lot lines.

- 7.1.6.9** Affordable Dwelling Units, as applicable.
- 7.1.6.10** Access and utility easements.
- 7.1.6.11** Location, type and size of stormwater drainage facilities, including notes on the construction materials of any pipes, culverts, catch basins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, sump heights, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. The dimensions of any retention and/or detention ponds shall be shown.
- 7.1.6.12** Location, type and size of existing and proposed water services. If the site is to utilize an on-site well, its proposed location shall be shown in addition to its setbacks from any building, structure or wastewater disposal system. If public water services are to be utilized, then the water main which will service the site shall be shown and identified.
- 7.1.6.13** Location, type and size of any other underground utilities, including but not limited to, electric, gas, telephone, and cable communication services. Any emergency power facilities shall also be shown.
- 7.1.6.14** Location, type, size and screening of any solid waste/recycling facilities.
- 7.1.6.15** Location, type and size of existing and proposed sewer line connections, including notes on the construction materials of any pipes or any other system component. Sufficient information relating to placement of the sewerage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated.
- 7.1.6.16** The following notes shall be included on the Site Development Plan, as appropriate:
 - 7.1.6.16.1** The use of fill containing hazardous materials or waste is forbidden.
 - 7.1.6.16.2** The marking of the limits of work in the field prior to the start of construction or site clearing is required.
 - 7.1.6.16.3** Significant trees, including their branches and their root systems, shall be protected with shields, fences, or barriers.
 - 7.1.6.16.4** The cleaning of catch basin sumps and stormwater basins is required following construction and according to any Operations and Maintenance Plan thereafter.

7.1.6.16.5 The use of construction machinery is restricted to the hours between 7:00 am and 7:00 pm, Monday through Saturday, and to the hours between 12:00 noon and 7:00 pm on Sunday, as required in the Town of Westwood General Bylaws, Article 10, Section 24.

7.1.7 *Plan & Profile of Streets and Ways Requirements.* The Plan and Profile of Streets and Ways, where applicable, shall include the following information:

- 7.1.7.1** Design and construction details of streets and ways in conformance with the requirements set forth in the Subdivision Regulations.
- 7.1.7.2** Horizontal scale of 1" = 40' and a vertical scale of 1" = 4'.
- 7.1.7.3** Existing grades along the centerline and both sidelines of the street or way.
- 7.1.7.4** Proposed finished centerline grades with elevations at every 50-foot station and location of vertical curves.
- 7.1.7.5** Design and construction details of sidewalks in conformance with the Subdivision Regulations.
- 7.1.7.6** Design and construction details of storm drainage system, water supply system, fire hydrants, fire call box system, sewer lines and all other utilities in conformance with the Subdivision Regulations.
- 7.1.7.7** Identification, location, inverts, slopes, grades, stations and sizes of all utilities and appurtenances.
- 7.1.7.8** Typical detail of a catch basin, diversion box, emergency slide gate, manhole, headwall, retaining wall, walkway, curbs, ramps, subdrain, waterway, leaching basin, drainage pond or other similar improvements.
- 7.1.7.9** Typical detail of each type of parking space to be used on the site showing the dimensions of the parking space that shall be in compliance with the Board's Parking Design Standards.
- 7.1.7.10** Location and design of bicycle racks and bicycle facilities, in compliance with the Planning Board's Bicycle Parking Design Guidelines.
- 7.1.7.11** Temporary access to property for construction and installation of utilities, with delineation of area proposed for clearing, including notation as to the proposed width and depth of cuts and/or changes in grade.
- 7.1.7.12** It must be demonstrated that all activities related to access, drainage, utilities and grading meet the standards established in the Subdivision Regulations.

7.1.8 Architectural Plans & Elevations Requirements. The Architectural Plans and Elevations, where applicable, shall include the following information:

7.1.8.1 Floor plans for each floor of a building or structure (if the building or structure will be constructed repetitively, a typical floor plan shall suffice.) All accessory structures must be shown (i.e. solarium, patio, foyer, etc.) Each floor plan must be dimensioned to show the net floor area. Floor plans shall be drawn at a scale of 1/16"=1' or larger.

7.1.8.2 Building or structure elevations for the front, sides and rear of each building or structure which shall include the proposed architectural treatments to the building or structure such as roofing, siding, and window materials. The elevation plans shall be drawn at a scale of 1/16"=1' or larger.

7.1.8.3 All Affordable Dwelling Units, if applicable, shall be clearly delineated on plans. Such Affordable Dwelling Units shall be visually indistinguishable (except for unit size) from the market-rate housing units.

7.1.9 Landscape Plan Requirements. The Landscape Plan, where applicable, shall include the following information:

7.1.9.1 Landscape treatments planned for the site.

7.1.9.2 Existing plantings to be retained, including the location, size and species.

7.1.9.3 Planting table with the following information for each species to be planted: botanical and common name; whether native or non-native species; height and size at planting; height and size at maturity; rate of growth; quantity to be planted; typical spacing of plantings; and symbols used to represent the plantings on the Landscape Plan.

7.1.9.4 Typical detail of a tree planting and specialty planting area, if applicable.

7.1.9.5 Table of the zoning requirements and the proposed percentages for landscaping to demonstrate compliance with the Zoning Bylaw for any applicable parking area, buffer area and/or screening requirements, if applicable.

7.1.9.6 Detail and location of any landscape enhancements, including but not limited to, gazebos, benches, and water fountains.

7.1.9.7 Detail of trash and recycling containers.

7.1.10 Exterior Lighting Plan Requirements. The Exterior Lighting Plan, where applicable, shall include the following information:

- 7.1.10.1 Location, orientation and type of outdoor luminaire, including the height of the luminaire.
- 7.1.10.2 Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
- 7.1.10.3 Type of lamp (i.e.: LED, metal halide, high pressure sodium, etc.) and its associated Color Rendering Index (CRI).
- 7.1.10.4 Photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the property and at the lot lines. The Lighting Plan shall also include the following illumination information in a table format: Minimum, Maximum, Average, Average to Minimum, and Maximum to Minimum.
- 7.1.10.5 Evidence to substantiate that light trespass will not exceed the limitations set forth in Section 6.4.11 of the Zoning Bylaw.

7.1.11 **Wireless Facility Plan Requirements.** The Wireless Facility Plan, where applicable, shall include the following information:

- 7.1.11.1 Location, size and height of the wireless communication facility, including the location, size and height of all accessory structures and equipment.
- 7.1.11.2 Profile or elevation drawings to illustrate the view lines from the wireless communication facility to all nearby residences and public areas.
- 7.1.11.3 Detailed drawings showing dimensions of all proposed antennas, equipment, and other wireless facility components.
- 7.1.11.4 Color photograph or computerized rendition of the wireless communication facility and its components and accessory structures.

7.2 **REQUIRED REPORTS**

Reports shall be submitted as set forth below and as required pursuant to the applicable sections of the Zoning Bylaw:

- 7.2.1 **Reports Required:** Plans shall be required as determined by the Town Planner to be relevant to the Planning Board's consideration of the EIDR Application, except as waived by a majority vote of the Planning Board.
- 7.2.2 **General Information Required on Reports.** Reports shall contain the following general information, which shall appear on the cover sheet:
 - 7.2.2.1 Title block containing the name of the project.

7.2.2.2 Name of Applicant and property owner of record.

7.2.2.3 Name, address and imprint of the professional registration stamp of the Registered Landscape Architect, Registered Professional Land Surveyor and/or Registered Professional Engineer responsible for the preparation of the report.

7.2.2.4 Date of report and the date of any subsequent revision to the report.

7.2.3 ***EIDR Narrative Report.*** A narrative report shall be provided to address all applicable Environmental Impact and Design Standards set forth in Section 7.3.8 of the Zoning Bylaw.

7.2.4 ***Stormwater Management Report.*** A stormwater management report and drainage calculations shall be provided, where required. Stormwater shall be removed from all roofs, canopies and paved areas in a manner complying with applicable stormwater management standards promulgated by the Massachusetts Department of Environmental Protection, as amended from time to time, and in accordance with the requirements of the Town of Westwood Stormwater Management Bylaw. Construction standards for stormwater drainage systems must comply with the Subdivision Regulations, unless otherwise waived by the Board. Stormwater drainage runoff calculations used for the drainage system design must be prepared by a Registered Professional Engineer, must support the sizing of all drainage structures and pipes, and must be based upon the Cornell Stormwater Management Model unless another method is found to be equally appropriate by the Planning Board. The report must contain a written summary explaining the rationale of the design so that the Planning Board can understand the basic design approach and its validity for the site in question. Calculations shall be fully documented including copies of charts or other reference sources. Pre- and post-development volumes and runoff rates shall be provided.

7.2.5 ***Traffic Impact Study.*** The traffic study, where applicable, shall include the following information:

7.2.5.1 Existing traffic conditions including roadway geometries, traffic volumes, safety, delays and levels of service for roads and intersections affected by the proposed development project.

7.2.5.2 Accurate traffic generation estimates of future traffic conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing streets and intersections (whether in Westwood or another town) affected by the development project at the time of anticipated completion and five (5) years beyond the anticipated completion. A background traffic growth assumption of four percent (4%) per year shall be used in this analysis. Impacts of any planned phasing of the project, other previously approved projects and of projects pending approval shall be taken into consideration. Approach and departure route assignments shall be based on existing traffic

patterns, minimum time paths, journey to work data, market studies or a combination thereof. All traffic generation information shall include data for morning and afternoon peak hours, weekend peak hours and average daily data.

- 7.2.5.3 Gap acceptance analysis shall be conducted for each proposed point of egress from the project site.
- 7.2.5.4 Capacity and level of service analysis shall be submitted for all school bus routes and intersections within the area affected by the development project, during the hours of school bus operation.
- 7.2.5.5 Sight distances for turning movements to and from the project and within the project shall either be in conformance with the standards set forth in the Subdivision Regulations, or the American Association of State Highway and Transportation Officials (AASHTO) standards, as amended from time to time, at the sole discretion of the board.
- 7.2.5.6 The adequacy of vehicular queuing storage at each point of ingress into the development project site shall be demonstrated.
- 7.2.5.7 Narrative discussion of travel safety characteristics of streets and intersections impacted by the proposed development project, including, but not limited to, sight distance limitations, street width limitations, horizontal or vertical alignment deficiencies, and surface conditions.
- 7.2.5.8 Narrative discussion of safety characteristics of streets and intersections impacted by the proposed project, including, but not limited to, the amount and type of development along such streets and intersections, presence of sidewalks, vehicle speeds, sight distance limitations and street configuration limitations.
- 7.2.5.9 Detailed proposals for the monetary contribution for, or the design or construction of, off-site improvements to mitigate the traffic impacts of the proposed development project.
- 7.2.5.10 Additional information that may be required by the board.

7.2.6 FILL REMOVAL CALCULATIONS

The Application shall include calculations for determining the amount of fill to be imported, exported and/or regraded on the site, if applicable, to determine whether an Earth Material Movement special permit will be required pursuant to Section 7.1 of the Zoning Bylaw.

7.2.7 RADIOFREQUENCY REPORT

In the case of an application for Wireless Communication Overlay District EIDR Approval, the Application shall include a visual representation of the area of solid Radio Frequency Radiation (RFR) coverage and the area of marginal RFR coverage of the wireless communication facility, existing and proposed. This report shall include confirmation that the wireless communication facility complies with all applicable federal and state standards, regulations, statutes and other requirements. This shall include, if applicable, a written statement that the wireless communication facility is in compliance with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health.

7.2.8 DEMONSTRATION OF NEED

In the case of an application for Wireless Communication Overlay District EIDR Approval, Application shall include a demonstration of need for the proposed facility. This report shall include a description of the wireless communication facility's capacity, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations, as well as a description of the wireless communication facility and the technical, economic and other reasons for the proposed location, height and design.

SECTION 8.0 ADDITIONAL REQUIREMENTS

8.1 EXPLOSIVE PERMIT

The Applicant shall provide a copy of the Explosive Permit issued by the Fire Chief in accordance with 527 CMR 13.0, if applicable.

8.2 PARKING DESIGN STANDARDS

The design of automobile and bicycle parking spaces shall meet the standards set forth in the Board's Automobile Parking Design Standards and the Board's Bicycle Parking Design Guidelines.

SECTION 9.0 OWNERSHIP AND MAINTENANCE OF OPEN SPACE

9.1 DEED OR OTHER INSTRUMENTS

An EIDR Application proposing dedicated open space shall include a draft copy of the proposed deed for dedicated open space and any other applicable instruments. If the Board grants EIDR Approval, these documents shall be recorded at the Norfolk County Registry of Deeds or registered with the Land Court, and shall be recited in and attached to every deed to every appropriate lot served by the EIDR Approval. This instrument shall be in force in perpetuity or for such maximum period of time from the date of initial sale as may

be permitted under applicable state law governing such restrictions. Information required in the deed or other instrument shall include the following:

- 9.1.1* Legal description of the dedicated open space which is to be conveyed to the Town, Conservation Commission, corporation, trust, non-profit organization, or other entity.
- 9.1.2* Statement of the purpose for which the dedicated open space is intended to be used and any restrictions on its use.
- 9.1.3* The type and name of the corporation, trust, non-profit organization or other entity which will own, manage and maintain the dedicated open space and any improvements thereon. If the dedicated open space is to be conveyed to a corporation, trust or other entity consisting of property owners within the development, there shall be a description of the ownership or beneficial interest in the corporation, trust or other entity of each property owner and a provision that such ownership or beneficial interest shall be appurtenant to the property to which it relates and may not be conveyed or encumbered separately therefrom.
- 9.1.4* Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation, non-profit organization, trust or other entity. Procedures for the conduct of the affairs and business of the corporation, non-profit organization, trust or other entity, including provision for the calling and holding of meetings of members, directors and/or officers of the corporation or non-profit organization, or beneficiaries and/or trustees of the trust; and provision for quorum and voting requirements for action to be taken.
- 9.1.5* Provision for the management, maintenance, operation, improvement and repair of the dedicated open space and any improvements thereon, including provisions for obtaining and maintaining adequate insurance, and levying and collecting from the property owners common charges to pay for expenses associated with the open space, including real estate taxes. Each dwelling owner's share of the common charge shall be a lien against the owner's real estate within the development.
- 9.1.6* The method by which the above noted instrument may be amended.

SECTION 10.0 RESTRICTIVE DOCUMENTS

Where an Application includes any deed restriction, deed rider, restrictive covenant, easement, contract agreement or other instrument required pursuant to these Rules and Regulations or to any condition of the EIDR Approval, upon the granting of the EIDR Approval, these documents shall be recorded at the Norfolk County Registry of Deeds or registered with the Land Court, and shall be recited in and attached to every deed to every lot served by the approval.

SECTION 11.0 SUBSIDY AGREEMENTS

An EIDR Application shall include a written statement identifying any proposed governmental subsidy arrangements.

SECTION 12.0 CONSTRUCTION SCHEDULE

An application for residential development shall include a proposed development schedule, indicating the cumulative maximum number of dwelling units proposed to be completed by the end of each year, the latest date of completion of any proposed community facilities, and the anticipated final completion date of the project.

SECTION 13.0 PROVISION OF SECURITY

The Board may require that a performance guarantee be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized by the EIDR Approval. The form of the performance guarantee shall be generally as required by the Subdivision Regulations.

SECTION 14.0 ADDITIONAL INFORMATION

The Applicant may submit whatever additional information the Applicant feels is relevant to properly inform the Board about the proposed development, including but not limited to, legal opinions, deeds, historical data, studies and reports. The Board is empowered to require information in addition to that specifically required by the Zoning Bylaw or these Rules and Regulations, if it finds that such information is necessary to properly act upon the application.

SECTION 15.0 SITE VISIT

The Planning Board may require a site visit to the proposed development site. The date and time for such site visit shall be satisfactory to both the Planning Board and Applicant. The Planning Board may request that any work subject to these Rules and Regulations be clearly flagged or otherwise delineated, including the delineation of proposed heights of structures with test balloons, prior to the scheduled site visit.

SECTION 16.0 FORMAL REVIEW

16.1 REFERRAL TO OTHER BOARDS AND DEPARTMENTS

The Planning Board shall transmit the application to the Board of Health, Town Engineer, Department of Public Works, Dedham-Westwood Water District, Police and Fire Departments, Conservation Commission, Building Commissioner, and Board of Selectmen for their review and recommendation, within twenty-one (21) days of the filing of the application. The Board may also transmit copies of the application to such other Boards and Departments as it may deem appropriate. These Boards and Departments shall submit reports to the Planning Board within thirty-five (35) days of referral, and the Planning Board shall make no decision upon the application until receipt of all such reports or until thirty-five (35) days have elapsed since the date of referral. Failure of any such Board or Department to make recommendations within thirty-five (35) days of receipt by such Board or Department shall be deemed a lack of opposition to the application.

16.2 PUBLIC HEARINGS

A public hearing shall be held within sixty-five (65) days after the date of filing of a complete application with the Office of the Town Clerk. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Westwood once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the public hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the public hearing. Notice shall also be sent by mail, postage prepaid, to Parties in Interest as defined in Section 5.5 of these Rules and Regulations. In all cases, notification of the public hearing shall be the responsibility of the Board. The Applicant is responsible for paying for the newspaper publication and will be billed directly by the newspaper. The required time limits for a public hearing may be extended by written agreement between the Applicant and Board, which shall be filed in the Office of the Town Clerk.

16.3 RULES OF PROCEDURE FOR PUBLIC HEARINGS

An Applicant may appear on his own behalf, or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an Applicant, without cause, the Board may make a decision on the basis of available information otherwise received. The Board Chair shall preside at all public hearings and meetings. The Vice Chair of the Board shall preside as Acting Chair and perform the duties of the Chair in the Chair's absence. The Applicant or his duly authorized representative shall present evidence, testimony or other information in support of the application. Following the Applicant's presentation, the Board may question the Applicant regarding the evidence, testimony or other information presented. Any persons in attendance will then be given the opportunity to speak or provide testimony. No person shall speak until recognized by the Chair, and all speakers shall then provide their names and addresses for the record. All written communication shall be submitted into the record if delivered at the public hearing or postmarked or delivered to the Board or Town Planner prior to the close of the public hearing. In the event of a continuation of a public hearing, the Board shall identify any additional information the Board feels is required to make a decision on the application. Any continuation shall be made by a majority vote of the Board, and shall identify the date, time, and location for any future session of the public hearing. No further evidence, testimony or information shall be presented or entered into the record after the close of the public hearing.

16.4 CHANGES IN PROJECT AND CONTINUATIONS

During the hearing and before it is closed for public discussion, the Applicant may decrease the scale of the proposal before the Board (fewer units to be built, less square footage, less setback encroachment, etc.). An applicant who wishes to substantially increase the scale of the proposal must withdraw the current application and resubmit a new application for a new public hearing. The Board may request additional information and / or plan modifications of the applicant as necessary to make a decision on the application. A continuance may be requested by an Applicant by written request submitted to the Board or orally at a hearing. The Board may, in its discretion, allow or deny any request for a continuance. The number of modifications and hearing continuances shall be determined by a majority vote of the Board. The Board may, by majority vote, impose an additional application filing fee if it feels the modifications go beyond the scope of the original application.

SECTION 17.0 DISPOSITION OF APPLICATION

17.1 VOTE

The affirmative vote of a minimum of three (3) members of the five (5)-member Board shall be required to authorize and issue an EIDR Approval. The record shall show the vote of each member or indicate if a member is absent or fails to vote. The decision shall state clearly the reasons for the action, and shall include specific findings as required by M.G.L. Chapter 40A. The decision may also impose conditions, safeguards and limitations which shall be included as part of the Board's decision.

17.2 DECISION

The decision of the Board shall be made and filed with the Office of the Town Clerk within ninety (90) days following the close of the public hearing. The required time limits for a decision may be extended by written agreement between the Applicant and Board, which shall be filed in the Office of the Town Clerk.

17.3 NOTIFICATION OF DECISION

A notice of the Board's decision shall be mailed by the Board, postage prepaid, to the Applicant, and to persons present at the public hearing requesting such notice.

17.4 OBTAINANCE OF ALL PERMITS AND APPROVALS

The Applicant is responsible for obtaining all necessary permits, licenses, rights and/or releases. Failure to do so may constitute grounds for the disapproval of the Application or recession of a previously granted approval.

17.5 CONSTRUCTIVE APPROVAL

Failure by the Board to file a decision with the Office of the Town Clerk within ninety (90) days following the close of the public hearing, or the extended time agreed upon by the Board and Applicant, shall be deemed to be a constructive grant of the EIDR Approval. An Applicant who seeks constructive approval by reason of the failure of the Board to act within the required time period must provide written notification to the Office of the Town Clerk within fourteen (14) days of the expiration of such time period. The Applicant must notify the Parties in Interest by mail, postage prepaid, of the constructive grant. In the event an EIDR Approval is deemed granted as the result of the failure of the Board to act within the prescribed time period, the Applicant should provide sufficient data and materials to meet all requirements of the Zoning Bylaw and relevant statutes.

17.6 WITHDRAWAL OF APPLICATION

An Applicant may withdraw an application without prejudice by written notice to the Board at any time prior to the first publication of the notice of the public hearing. After such public notice, withdrawal of an application without prejudice shall be permitted only by majority vote of the Board.

17.7 APPEALS

Any person aggrieved by a decision of the Board relative to an Application for an EIDR Approval may appeal such decision pursuant to Section 10.1 of the Zoning Bylaw.

17.8 REPETITIVE APPLICATIONS

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered within two (2) years after the date of said final unfavorable action unless the Board finds, by vote of four (4) members, specific and material changes in the conditions upon which the previous unfavorable action was based and such changes are described in the record of the Board's proceedings. Submission and notice requirements for requests to amend an EIDR Approval are the same as for an original application.

17.9 EFFECTIVE DATE OF APPROVAL

An EIDR Approval shall become effective upon the filing of the Board's decision in the Office of the Town Clerk.

17.10 LAPSE OF APPROVAL

An EIDR Approval shall lapse within two (2) years from the date of the final action by the Board unless substantial construction or use thereof has commenced within this time period.

17.11 EXTENSION OF APPROVAL

Prior to the expiration of an EIDR Approval, the Applicant may apply for an extension of the approval for a period not to exceed one (1) year. Requests for extension may be made on an annual basis in such form as the Planning Board shall require. The Applicant may only apply for an extension if the substantial construction or use thereof has not commenced for good cause.

17.12 MODIFICATION, AMENDMENT OR RENEWAL OF APPROVAL

The Board shall have the authority to modify, amend or renew its EIDR Approval upon the written request of the property owner of record and/or an agent or prospective purchaser who submits certification of property interest and authority to file as provided for in Section 1.2 of these Rules and Regulations if the Board determines that such action is consistent with the purposes and intent of the Zoning Bylaw.

SECTION 18.0 RELATIONSHIP TO SUBDIVISION CONTROL

18.1 APPROVAL NOT REQUIRED PLAN

If the subject property will require the division of land subject to the Subdivision Control Act, M.G.L. Chapter 41, Section 81P, then subsequent to the Board's grant of the EIDR Approval, the Applicant shall submit an Approval Not Required (ANR) Plan for the approved project consistent with the Subdivision Regulations. Requirements for the preparation and submission of an ANR Plan are set forth in the Subdivision Regulations.

18.2 PRELIMINARY SUBDIVISION PLAN

If the property will require the division of land subject to the Subdivision Control Act, M.G.L. Chapter 41, Section 81O, the Applicant should prepare a Preliminary Subdivision Plan, to be submitted concurrently with the Application. Requirements for the preparation and submission of a Preliminary Subdivision Plan are set forth in the Subdivision Regulations.

18.3 DEFINITIVE SUBDIVISION PLAN

If the subject property will require the division of land subject to the Subdivision Control Act, M.G.L. Chapter 41, Section 81O, then subsequent to the Board's grant of the EIDR Approval and its related Preliminary Subdivision Plan, the Applicant shall submit a Definitive Subdivision Plan for the approved project consistent with the Subdivision Regulations. Requirements for the preparation and submission of a Definitive Subdivision Plan are set forth in the Subdivision Regulations.

18.4 RELATIONSHIP OF DEFINITIVE SUBDIVISION PLAN TO EIDR APPROVAL

The grant of an EIDR Approval by the Planning Board shall neither oblige the Planning Board to approve the related Definitive Subdivision Plan nor substitute the grant of an EIDR Approval for the approval of the related Definitive Subdivision Plan.

SECTION 19.0 EVIDENCE OF SATISFACTORY PERFORMANCE

Upon completion of the project, the Applicant shall provide one (1) original and three (3) certified copies of the Site Development Plan, and Plan and Profile of Street and Ways, if applicable. Two copies of these plan sheets shall be 24" x 36" and one sheet shall be 11" x 17". Certification shall be by a Registered Professional Engineer and/or Land Surveyor, as required, and shall indicate that all streets, sidewalks, storm drains, sewer mains and water mains, and their appurtenances, have been constructed in accordance with the lines and grades of said Plans and are accurately located as shown thereon. Where variations of the approved lines, grades and/or locations have been authorized by the Board in the course of construction, said variation shall be depicted upon the required certified copy so that said copy will constitute an "as built" plan. This "as built" plan shall be delivered to the Board in a digital format compatible with the Town's current Geographic Information System (GIS), unless otherwise waived by the Board.

SECTION 20.0 INSPECTIONS

20.1 Each phase of construction shall be inspected and approved by the Town Engineer or designee before work on any the subsequent phase may begin.

20.2 The Applicant shall notify the Town Engineer or designee at least forty-eight (48) hours prior to the anticipated commencement of any of the following work so that an inspection may be scheduled. Inspection approvals do not constitute acceptance of roadways and/or utilities by the Town.

- 20.2.1** Cutting of trees for roadway construction.
- 20.2.2** Clearing and grubbing of roadway.
- 20.2.3** Installation of storm drainage facilities.
- 20.2.4** Installation of water and sewer facilities.
- 20.2.5** Laying of material for sub-base.
- 20.2.6** Excavation for underground utilities.
- 20.2.7** Application of gravel in or above sub-base.
- 20.2.8** Laying of bituminous concrete bottom course.
- 20.2.9** Laying of bituminous concrete top course.
- 20.2.10** Installation of curbing and curb inlets.
- 20.2.11** Spreading of gravel in sidewalks.
- 20.2.12** Laying of sidewalks and aprons.
- 20.2.13** Spreading of loam for grass plots.
- 20.2.14** Grading of slopes.
- 20.2.15** Construction of retaining walls.
- 20.2.16** Setting of bounds.

SECTION 21.0 BUILDING AND OCCUPANCY PERMITS

21.1 *ISSUANCE OF BUILDING PERMIT*

Prior to the issuance of a Building Permit within an approved development, the Building Commissioner shall verify that an EIDR Approval has been issued by the Board and any conditions satisfied and shall certify that the construction plans are consistent with that approval.

Prior to the issuance of a Building Permit within an approved development, and prior to the sale of any lot within an approved development, the Applicant shall certify to the Board and Building Commissioner that any associated Definitive Subdivision Plan or ANR Plan, and any deed restriction, deed rider, easement, restrictive covenant, contractual agreement or other instrument associated with the approval, associated Definitive Subdivision Plan or ANR Plan, has been recorded at the Norfolk County Registry of Deeds or registered with the Land Court.

21.2 ISSUANCE OF OCCUPANCY PERMIT

Prior to the issuance of an occupancy permit for a structure within an approved development, the Planning Board shall certify to the Building Commissioner that improvements with respect to access, drainage, utilities and grading which meet the functional standards equivalent to those established in the Subdivision Regulations have been completed to serve the structure, or security for their completion has been received.

SECTION 22.0 SEVERABILITY OF PROVISIONS

If any section or provision of these Rules and Regulations is held invalid, it shall not invalidate any other section or provision hereof. If the application of any section or provision of these Rules and Regulations to any person or circumstances is held invalid, it shall not invalidate the application of these Rules and Regulations to other persons and circumstances hereof.

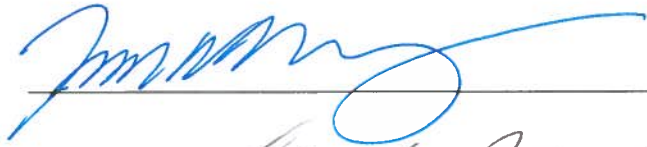
SECTION 23.0 WAIVER OF FULL COMPLIANCE


The Planning Board may grant one or more waivers from some or all of the requirements herein, if in its determination, such waivers are deemed to serve the public interest, do not conflict with M.G.L. Chapter 40A or the provisions of the Zoning Bylaw, will result in a substantially improved project, will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of these regulations.

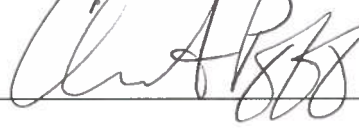
**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**


**RULES AND REGULATIONS FOR ENVIRONMENTAL IMPACT &
DESIGN REVIEW (EIDR) APPROVAL**

ADOPTED BY THE
WESTWOOD PLANNING BOARD
September 1, 2015







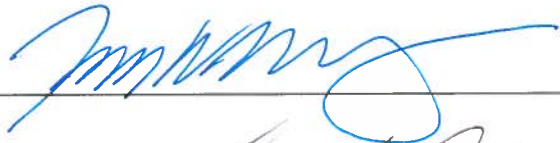



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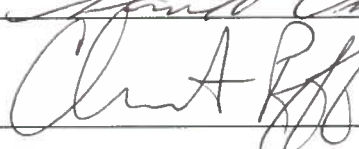
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Date: _____

TOWN CLERK
TOWN OF WESTWOOD

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