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**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS
RULES AND REGULATIONS AS SPECIAL PERMIT GRANTING
AUTHORITY**

ADOPTED JULY 7, 2015

**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS OF THE WESTWOOD PLANNING
BOARD AS SPECIAL PERMIT GRANTING AUTHORITY
PURSUANT TO VARIOUS SECTIONS 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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PURSUANT TO VARIOUS SECTIONS 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 Special Permit Granting Authority (SPGA) as provided for in M.G.L. Chapter 40A for the purpose of establishing uniform rules and procedures for the granting of special permits pursuant to various sections 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 special permits as set forth in the Zoning Bylaw:

1.1.1.1 *General Special Permit*, including the following:

1.1.1.1.1 *Building/Structure Heights in Industrial-Office District* pursuant to Section 5.4.1.5;

1.1.1.1.2 *Creation of Ways* with respect to lots outside of subdivisions pursuant to Section 5.5.7;

1.1.1.1.3 *Reduction of Required Minimum Number of Parking Spaces* pursuant to Section 6.1.9;

1.1.1.1.4 *Waiver or Modification of Screening Standards* pursuant to Section 6.3.9;

1.1.1.1.5 *Increase in Floor Area Ratio* pursuant to Section 6.5;

1.1.1.2 *Shared Driveway Special Permit* pursuant to Section 6.1.28;

1.1.1.3 *Earth Material Movement (EMM) Special Permit* pursuant to Section 7.1;

1.1.1.4 *Major Business Development (MBD) Special Permit* pursuant to Section 7.2;

- 1.1.1.5** *Open Space Residential Development (OSRD) Special Permit* pursuant to Section 8.3;
- 1.1.1.6** *Senior Residential Development (SRD) Special Permit* pursuant to Section 8.4;
- 1.1.1.7** *Wireless Communications Overlay District (WCOD) Special Permit* pursuant to Section 9.4;
- 1.1.1.8** *Flexible Multiple Use Overlay District (FMUOD) Special Permit* pursuant to Section 9.5;
- 1.1.1.9** *Upper Story Residential Overlay District (UPROD) Special Permit* pursuant to Section 9.6.

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 a Special Permit. 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 17.2 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, Conservation Commission Agent 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*

The Board may hold a pre-application review at any duly authorized meeting. 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 Board at this time. Any information exchanged as part of this pre-application conference shall be considered as advisory and shall not be binding on the part of the Applicant or Board.

SECTION 3.0 PROJECT FEES

3.1 *APPLICATION FEES*

The Application Fee for an original Application, repetitive Application or an amendment to a Special Permit 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.

3.1.1 *General Special Permit:* \$750.

- 3.1.2 Shared Driveway Special Permit:** \$500 plus \$100 per lot served by the Shared Driveway Special Permit.
- 3.1.3 Earth Material Movement Special Permit:** \$750.
- 3.1.4 Major Business Development Special Permit:** \$1,500 or \$.05 per square foot of gross floor area for each new structure, whichever is greater.
- 3.1.5 Open Space Residential Development Special Permit:**
- 3.1.5.1** Projects involving 1-4 dwelling units: \$2,000 plus \$200 per dwelling unit.
 - 3.1.5.2** Projects involving 5-8 dwelling units: \$3,000 plus \$200 per dwelling unit.
 - 3.1.5.3** Projects involving 9-12 dwelling units: \$4,000 plus \$200 per dwelling unit.
 - 3.1.5.4** Projects involving over 12 dwelling units: \$5,000 plus \$200 per dwelling unit.
- 3.1.6 Senior Residential Development Special Permit:**
- 3.1.6.1** Projects involving 1-5 dwelling units: \$2,500 plus \$500 per unit.
 - 3.1.6.2** 6-10 dwelling units: \$5,000 plus \$500 per unit.
 - 3.1.6.3** 11-20 dwelling units: \$7,500 plus \$500 per lot unit.
 - 3.1.6.4** More than 20 dwelling units: \$10,000 plus \$500 per lot unit.
- 3.1.7 Wireless Communications Overlay District Special Permit**
- 3.1.7.1** Major wireless communication facilities: \$1,500.
 - 3.1.7.2** Minor wireless communications facilities: \$500.
- 3.1.8 Flexible Multiple Use Overlay District Special Permit**
- 3.1.8.1** Projects involving new structures: \$1,000 or \$.05 per square foot of gross floor area for each new structure, whichever is greater.
 - 3.1.8.2** 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.
 - 3.1.8.3** Projects involving site alteration only, including alterations to parking and/or circulation: \$500.

3.1.9 Upper Story Residential Overlay District Special Permit

- 3.1.9.1** Projects involving new structures: \$1,000 or \$.05 per square foot of floor area, whichever is greater.
- 3.1.9.2** Projects involving renovations and/or additions to existing structures, with or without site alteration: \$1,000 or \$.05 per square foot of additional floor area, whichever is greater.
- 3.1.9.3** Projects involving site alteration only, including alterations to parking and/or circulation: \$750.

3.2 PROJECT REVIEW FEES

- 3.2.1** 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.
- 3.2.2** 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).
- 3.2.4** 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.
- 3.2.5** 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.

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

3.2.6.1 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).

3.2.6.2 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.

3.2.7 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.

3.3 *INSPECTION FEES*

3.3.1 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.

3.3.2 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.

3.3.3 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.

3.3.4 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 3.3.3.

3.3.5 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.

3.4 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.

3.5 DELINQUENT FEES

3.5.1 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%).

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

SECTION 4.0 APPLICATION REQUIREMENTS

4.1 OFFICIAL APPLICATION FORM

An Application for a Special Permit shall be made on an official Application Form, which is available in the Planning Office. 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 a Wireless Communication Overlay District Special Permit, 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.

4.2 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.

4.3 NUMBER OF COPIES

At the time of application, the Applicant shall file one (1) full paper copy of the official Application Form and all plans, exhibits, analyses and any other information and/or attachments with the Office of the Town Clerk. 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 one (1) electronic copy and a minimum of ten (10) paper copies of all plans, exhibits, analyses and any other information and/or attachments.

4.4 SIZE OF PLAN SHEETS

Three (3) copies of the plan sheets shall be 24" x 36" and seven (7) copies of the plan sheets shall be 11" x 17".

4.5 CERTIFIED ABUTTERS LIST

A list of Parties in Interest shall be created and certified by the Westwood Board of Assessors. The Parties in Interest shall include:

- Applicant;
- 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.

4.6 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 5.0 CONSOLIDATION OF APPLICATIONS

5.1 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, or the issuance of an Environmental Impact and Design Review (EIDR) Approval, the Applicant is strongly encouraged to submit all such applications concurrently.

5.2 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, or the issuance of an Environmental Impact and Design Review (EIDR) Approval, 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 6.0 PLAN & REPORT REQUIREMENTS

6.1 REQUIRED PLANS

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

6.1.1 Plans required for General Special Permit: Plans shall be required as determined by the Town Planner to be relevant to the Planning Board's consideration of the Special Permit Application.

6.1.2 Plans Required for All Other Special Permits: Plans shall be required as set forth in the table below, except as waived by a majority vote of the Planning Board.

	Locus Map per 6.1.4	General Layout Map per 6.1.5	Existing Conditions Plan per 6.1.6	Site Development Plan per 6.1.7	Plan and Profile of Streets and Ways per 6.1.8	Architectural Plans & Elevations per 6.1.9	Landscape Plan per 6.1.10	Exterior Lighting Plan per 6.1.11	Wireless Facility Plan per 6.1.12
6.1.2.1 Shared Driveway Special Permit	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
6.1.2.2 Earth Material Movement Special Permit	Yes	Yes	Yes	Yes	No	No	Yes	No	No
6.1.2.3 Major Business Development Special Permit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
6.1.2.4 Open Space Residential Development Special Permit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
6.1.2.5 Senior Residential Development Special Permit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
6.1.2.6 Wireless Communications Overlay District Special Permit	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes
6.1.2.7 Flexible Multiple Use Overlay District Special Permit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
6.1.2.8 Upper Story Residential Overlay District Special Permit	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No

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

- 6.1.3.1 Title block containing the name of the project.
- 6.1.3.2 Name of Applicant and property owner of record.
- 6.1.3.3 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.
- 6.1.3.4 Title and number of each sheet (i.e. Sheet Number 1 of 6 sheets).
- 6.1.3.5 Date of plan and the date of any subsequent revision, with the revisions noted on each sheet.
- 6.1.3.6 Scale and arrow oriented to true north.

- 6.1.3.7 Signature block for Planning Board endorsement and date of endorsement, if applicable.
- 6.1.3.8 Signature block for Sewer Commission endorsement and date of endorsement, if applicable.
- 6.1.3.9 Signature block for Town Clerk certification of no appeal and date of the certification, if applicable.
- 6.1.3.10 Legend denoting any signs or symbols not otherwise explained.

6.1.4 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.

6.1.5 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:

- 6.1.5.1 Total project area and individual lot area.
- 6.1.5.2 Lot frontage.
- 6.1.5.3 Lot width.
- 6.1.5.4 Yard setbacks.
- 6.1.5.5 Building height.
- 6.1.5.6 Area designated as permanent open space.
- 6.1.5.7 Area and percentage of non-wetland lot area.
- 6.1.5.8 Area and percentage building coverage.
- 6.1.5.9 Area and percentage of impervious surface.
- 6.1.5.10 Landscaped area.
- 6.1.5.11 Gross floor area, net floor area, and Floor Area Ratio (FAR) of non-residential buildings.
- 6.1.5.12 Number of bedrooms per dwelling unit.
- 6.1.5.13 Number of dwelling units and dwelling unit density per acre.
- 6.1.5.14 Number of Affordable Dwelling Units.
- 6.1.5.15 Number of Moderate Income Dwelling Units.
- 6.1.5.16 Number of Senior Residential Dwelling Units.
- 6.1.5.17 Number of parking spaces, including designated handicapped spaces.
- 6.1.5.18 Number of bicycle parking spaces, including bicycle racks, storage containers, and interior accommodations.
- 6.1.5.19 Number of loading bays.
- 6.1.5.20 Length of streets and ways.

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

- 6.1.6.1** 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.
- 6.1.6.2** 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.
- 6.1.6.3** 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.
- 6.1.6.4** 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.
- 6.1.6.5** 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.
- 6.1.6.6** 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.

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

- 6.1.7.1** All zoning classifications and zoning district boundaries, including boundaries of Special Flood Hazard Areas and Water Resource Protection Overlay Districts, if applicable.
- 6.1.7.2** Boundaries, lot area, and non-wetland area of building and non-building lots.
- 6.1.7.3** 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.
- 6.1.7.4** 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.

- 6.1.7.5** 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.
- 6.1.7.6** 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.
- 6.1.7.7** Location and outline or footprint of all buildings or structures with finished floor elevation, dimensions, and setback distances from lot lines.
- 6.1.7.8** Affordable Dwelling Units, as applicable.
- 6.1.7.9** Access and utility easements.
- 6.1.7.10** 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.
- 6.1.7.11** 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.
- 6.1.7.12** 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.
- 6.1.7.13** Location, type, size and screening of any solid waste/recycling facilities.
- 6.1.7.14** 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.

6.1.7.15 The following notes shall be included on the Site Development Plan, as appropriate:

6.1.7.15.1 The use of fill containing hazardous materials or waste is forbidden.

6.1.7.15.2 The marking of the limits of work in the field prior to the start of construction or site clearing is required.

6.1.7.15.3 Significant trees, including their branches and their root systems, shall be protected with shields, fences, or barriers.

6.1.7.15.4 The cleaning of catch basin sumps and stormwater basins is required following construction and according to any Operations and Maintenance Plan thereafter.

6.1.7.15.5 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.

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

6.1.8.1 Design and construction details of streets and ways in conformance with the requirements set forth in the Subdivision Regulations.

6.1.8.2 Horizontal scale of 1" = 40' and a vertical scale of 1" = 4'.

6.1.8.3 Existing grades along the centerline and both sidelines of the street or way.

6.1.8.4 Proposed finished centerline grades with elevations at every 50-foot station and location of vertical curves.

6.1.8.5 Design and construction details of sidewalks in conformance with the Subdivision Regulations.

6.1.8.6 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.

6.1.8.7 Identification, location, inverts, slopes, grades, stations and sizes of all utilities and appurtenances.

- 6.1.8.8 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.
 - 6.1.8.9 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.
 - 6.1.8.10 Location and design of bicycle racks and bicycle facilities, in compliance with the Planning Board's Bicycle Parking Design Guidelines.
 - 6.1.8.11 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.
 - 6.1.8.12 It must be demonstrated that all activities related to access, drainage, utilities and grading meet the standards established in the Subdivision Regulations.
- 6.1.9 ***Architectural Plans & Elevations Requirements.*** The Architectural Plans and Elevations, where applicable, shall include the following information:
- 6.1.9.1 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.
 - 6.1.9.2 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.
 - 6.1.9.3 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.
- 6.1.10 ***Landscape Plan Requirements.*** The Landscape Plan, where applicable, shall include the following information:
- 6.1.10.1 Landscape treatments planned for the site.
 - 6.1.10.2 Existing plantings to be retained, including the location, size and species.
 - 6.1.10.3 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.

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

6.1.10.5 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.

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

6.1.10.7 Detail of trash and recycling containers.

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

6.1.11.1 Location, orientation and type of outdoor luminaire, including the height of the luminaire.

6.1.11.2 Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.

6.1.11.3 Type of lamp (i.e.: LED, metal halide, high pressure sodium, etc.) and its associated Color Rendering Index (CRI).

6.1.11.4 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.

6.1.11.5 Evidence to substantiate that light trespass will not exceed the limitations set forth in Section 6.4.11 of the Zoning Bylaw.

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

6.1.12.1 Location, size and height of the wireless communication facility, including the location, size and height of all accessory structures and equipment.

6.1.12.2 Profile or elevation drawings to illustrate the view lines from the wireless communication facility to all nearby residences and public areas.

6.1.12.3 Detailed drawings showing dimensions of all proposed antennas, equipment, and other wireless facility components.

6.1.12.4 Color photograph or computerized rendition of the wireless communication facility and its components and accessory structures. For a Major wireless communication facility, a rendition shall also be prepared to illustrate the view lines from all neighboring streets.

6.2 REQUIRED REPORTS

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

6.2.1 Reports required for General Special Permit: Reports shall be required as determined by the Town Planner to be relevant to the Planning Board’s consideration of the Special Permit Application.

6.2.2 Plans Required for All Other Special Permits: Plans shall be required as set forth in the table below, except as waived by a majority vote of the Planning Board.

	Stormwater Management Report per 6.2.4	Traffic Impact Study per 6.2.5	Fill Removal Calculations per 6.2.6	Radiofrequency Report per 6.2.7	Demonstration of Need per 6.2.8
6.2.2.1 Shared Driveway Special Permit	Yes	Yes	Yes	No	No
6.2.2.2 Earth Material Movement Special Permit	No	No	Yes	No	No
6.2.2.3 Major Business Development Special Permit	Yes	Yes	Yes	No	No
6.2.2.4 Open Space Residential Development Special Permit	Yes	Yes	Yes	No	No
6.2.2.5 Senior Residential Development Special Permit	Yes	Yes	Yes	No	Yes
6.2.2.6 Wireless Communications Overlay District Special Permit	No	No	No	Yes	Yes
6.2.2.7 Flexible Multiple Use Overlay District Special Permit	Yes	Yes	Yes	No	No
6.2.2.8 Upper Story Residential Overlay District Special Permit	No	Yes	No	No	No

6.2.3 General Information Required on Reports. Reports shall contain the following general information, which shall appear on the cover sheet:

6.2.3.1 Title block containing the name of the project.

6.2.3.2 Name of Applicant and property owner of record.

6.2.3.3 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.

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

6.2.4 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.

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

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

6.2.5.2 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.

- 6.2.5.3 Gap acceptance analysis shall be conducted for each proposed point of egress from the project site.
- 6.2.5.4 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.
- 6.2.5.5 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.
- 6.2.5.6 The adequacy of vehicular queuing storage at each point of ingress into the development project site shall be demonstrated.
- 6.2.5.7 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.
- 6.2.5.8 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.
- 6.2.5.9 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.
- 6.2.5.10 Additional information that may be required by the board.

6.2.6 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.

6.2.7 RADIOFREQUENCY REPORT

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.

6.2.8 DEMONSTRATION OF NEED

6.2.8.1 The Application shall include a demonstration of need for the proposed facility. In the case of an application for a Wireless Communication Overlay District Special Permit, 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.

6.2.8.2 In the case of an application for a Senior Residential Development Special Permit, this report shall include an analysis of the quantity and quality of existing housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities, and a demonstration of the continued market for the proposed age-restricted units.

SECTION 7.0 ADDITIONAL REQUIREMENTS

7.1 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.

7.2 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 8.0 AFFORDABILITY PROVISIONS

An application for a Special Permit involving Affordable Dwelling Units shall include the following information:

8.1 DEFINITION OF AFFORDABLE DWELLING UNITS

The term Affordable Dwelling Units shall refer to dwelling units which shall be available at a cost of no more than thirty (30) percent of gross household income to households at or

below eighty (80) percent of the Boston PMSA median income as most recently reported by the U.S. Housing and Urban Development (HUD), including units listed under M.G.L. Chapter 40B and the State's Local Initiative Program (LIP) in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or Affordable Dwelling Units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

8.2 METHOD OF PROVIDING AFFORDABLE DWELLING UNITS

The Applicant shall indicate in a written statement the proposed method or methods of providing Affordable Dwelling Units, which shall include the following options or combination of options:

8.2.1 Donation, sale and/or rental of the dwelling units to the Westwood Housing Authority, subject to their acceptance.

8.2.2 Sale or rental of the Affordable Dwelling Units to eligible households.

8.3 SELECTION PROCESS

The Applicant shall indicate in a written statement a description of the methodology to select the purchasers and tenants of the Affordable Dwelling Units. These procedures are subject to approval by the Town and thus the Applicant is required to consult with the Westwood Housing Authority and Westwood Housing Partnership to determine the most appropriate methodology.

8.4 MAXIMUM SALE, RESALE AND RENTAL PRICE

Each Affordable Dwelling Unit shall have limitations governing its sale, resale and rental price. All initial and subsequent purchasers and tenants are subject to these limitations which shall be established by a proposed deed restriction, deed rider, restrictive covenant, easement, contractual agreement or other instrument. If the Planning Board approves the Special Permit, this instrument 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 or unit served by the Special Permit. This instrument shall be in force in perpetuity or such maximum period of time from the date of initial sale as may be permitted under applicable state law governing such restrictions. The affordability restrictions shall be established in such a manner as to be enforceable by the Town and renewable by the Town through standard procedures provided by applicable state law.

8.5 RIGHT OF FIRST REFUSAL

The deed restriction, deed rider, restrictive covenant, easement, contractual agreement or other instrument for the Affordable Dwelling Units shall require that the owner grant a Right of First Refusal to the Town or its designee, and that the owner provide notice of such

Right of First Refusal to the Town or its designee prior to the resale of the income-restricted dwelling unit. If the Town or its designee fails to exercise its Right of First Refusal by signing a Purchase and Sale Agreement within thirty (30) days of receipt of the owner's notice, the owner may thereafter proceed to sell the Affordable Dwelling Unit to a person or household selected as part of the approved selection process.

8.6 AFFORDABLE DWELLING UNIT ADMINISTRATION FEE

The Applicant shall cover all ongoing costs of administering the affordability requirements. The method of payment of such costs shall be approved by the Planning Board and incorporated in the Special Permit.

SECTION 9.0 AGE RESTRICTION PROVISIONS

An Application for a Special Permit involving age-restricted dwelling units shall include the following information:

9.1 METHOD FOR PROVIDING AGE RESTRICTIONS

The age restrictions for Senior Housing shall be described in a proposed deed restriction, deed rider, restrictive covenant, easement, contractual agreement or other instrument. If the Planning Board grants the SRD Special Permit, this instrument 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 or unit served by the SRD Special Permit. 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. The age restriction provisions shall be established in such a manner as to be enforceable by the Town and renewable by the Town through standard procedures provided by applicable state law.

9.2 RIGHT OF FIRST REFUSAL

The deed restriction, deed rider, restrictive covenant, easement, contractual agreement or other instrument for the age-restricted dwelling units may require that the owner grant a Right of First Refusal to the Town or its designee, and that the owner provide notice of such Right of First Refusal to the Town or its designee prior to the sale of the age-restricted dwelling unit. If the Town or its designee fails to exercise its Right of First Refusal by signing a Purchase and Sale Agreement within thirty (30) days of receipt of the owner's notice, the owner may thereafter proceed to sell the age-restricted dwelling unit to a person or household that meets the age eligibility requirement of fifty-five (55) years or older. Prior to the sale, the Town reserves the right to review the potential purchasers' age-eligibility documentation and to accept or reject the sale based on this documentation.

SECTION 10.0 OWNERSHIP AND MAINTENANCE OF OPEN SPACE

10.1 DEED OR OTHER INSTRUMENTS

An application proposing dedicated open space shall include a draft copy of the proposed deed and any other applicable instruments. If the Board grants a Special Permit, 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 Special Permit. 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:

- 10.1.1* 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.
- 10.1.2* Statement of the purpose for which the dedicated open space is intended to be used and any restrictions on its use.
- 10.1.3* 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.
- 10.1.4* 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.
- 10.1.5* 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.
- 10.1.6* The method by which the above noted instrument may be amended.

SECTION 11.0 RESTRICTIVE DOCUMENTS

An application shall include any deed restriction, deed rider, restrictive covenant, easement, contract agreement or other instrument required pursuant to Section 8 [Affordability Provisions], Section 9 [Age Restrictions] and/or Section 10 [Ownership and Maintenance of Open Space] of these Rules and Regulations. Upon the granting of the Special Permit, 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 Special Permit.

SECTION 12.0 SUBSIDY AGREEMENTS

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

SECTION 13.0 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 sequence of construction of any affordable, moderate-income and age-restricted dwelling units; the sequence of construction of market-rate dwelling units and non-age restricted dwelling units; the latest date of completion of any proposed community facilities and the anticipated final completion date of the project.

SECTION 14.0 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 a Special Permit. The form of the performance guarantee shall be generally as required by the Subdivision Regulations.

SECTION 15.0 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 16.0 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 17.0 FORMAL REVIEW

17.1 REFERRAL TO OTHER BOARDS AND DEPARTMENTS

The Planning Board shall transmit copies of 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.

17.2 PUBLIC HEARINGS

A public hearing shall be held within sixty-five (65) days after the date of filing of an 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 4.5 of these Rules and Regulations. In all cases, notification of the public hearing shall be the responsibility of the Board. 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.

17.3 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. No further evidence, testimony or information shall be presented or entered into the record after the close of the public hearing.

SECTION 18.0 DISPOSITION OF APPLICATION

18.1 VOTE

The affirmative vote of a minimum of four (4) members of the five (5)-member Board shall be required to authorize and issue a Special Permit. 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 Special Permit decision.

18.2 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. In the case of an FMUOD Special Permit, 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, but no more than one hundred and eighty (180) days following the date of the opening 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.

18.3 NOTIFICATION OF DECISION

A notice of the Special Permit decision shall be mailed by the Board, postage prepaid, to the Applicant, and to persons present at the public hearing requesting such notice. The notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date the decision was filed with the Office of the Town Clerk.

18.4 RECORDING AND OBTAINANCE OF ALL PERMITS

The Applicant shall file the Special Permit decision, as certified by the Town Clerk that the twenty (20) day appeal period has expired, in the Norfolk County Registry of Deeds or Land Court. The certified copy of the decision and evidence that the decision has been recorded in the Norfolk County Registry of Deeds or registered with the Land Court must be provided to the Planning Board and Building Commissioner. 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 approved Special Permit.

18.5 CONSTRUCTIVE APPROVAL

Failure by the Board to file a Special Permit 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 Special Permit. In the case of an FMUOD Special Permit, failure by the Board to file a Special Permit decision with the Office of the Town Clerk within ninety (90) days following the close of the public hearing and no more than one hundred and eighty (180) days following the date of the opening 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 FMUOD Special Permit. 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. The notice shall specify that appeals, if any, must be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within twenty (20) days after the date the Office of the Town Clerk received written notification from the Applicant that the Board failed to act within the prescribed time period. In the event a Special Permit 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.

18.6 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.

18.7 APPEALS

Any person aggrieved by a decision of the Board may appeal such decision as provided in M.G.L. Chapter 40A, Section 17 within twenty (20) days after the date the decision was filed with the Office of the Town Clerk.

18.8 REPETITIVE APPLICATIONS

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a Special Permit 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 a Special Permit are the same as for an original Special Permit Application.

18.9 EFFECTIVE DATE OF SPECIAL PERMIT

No Special Permit shall take effect until a copy of the decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and no

appeal has been filed, is recorded in the Norfolk County Registry of Deeds or registered with the Land Court and indexed under the name of the property owner of record and parcel address.

18.10 LAPSE OF SPECIAL PERMIT

A Special Permit 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.

18.11 EXTENSION OF SPECIAL PERMIT

Prior to the expiration of a Special Permit, the Applicant may apply for an extension of the Special Permit 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.

18.12 MODIFICATION, AMENDMENT OR RENEWAL OF SPECIAL PERMIT

The Board shall have the authority to modify, amend or renew its approval of a Special Permit 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 19.0 RELATIONSHIP TO SUBDIVISION CONTROL

19.1 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 approval of a Special Permit, 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.

19.2 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.

19.3 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 approval of a Special Permit 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.

19.4 RELATIONSHIP OF DEFINITIVE SUBDIVISION PLAN TO SPECIAL PERMIT

The approval of a Special Permit by the Planning Board shall neither oblige the Planning Board to approve the related Definitive Subdivision Plan nor substitute the approval of the Special Permit for the approval of the related Definitive Subdivision Plan.

SECTION 20.0 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 21.0 INSPECTIONS

- 21.1** Each phase of construction shall be inspected and approved by the Town Engineer or designee before work on any the subsequent phase may begin.
- 21.2** 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.
 - 21.2.1** Cutting of trees for roadway construction.
 - 21.2.2** Clearing and grubbing of roadway.
 - 21.2.3** Installation of storm drainage facilities.
 - 21.2.4** Installation of water and sewer facilities.
 - 21.2.5** Laying of material for sub-base.
 - 21.2.6** Excavation for underground utilities.

- 21.2.7 Application of gravel in or above sub-base.
- 21.2.8 Laying of bituminous concrete bottom course.
- 21.2.9 Laying of bituminous concrete top course.
- 21.2.10 Installation of curbing and curb inlets.
- 21.2.11 Spreading of gravel in sidewalks.
- 21.2.12 Laying of sidewalks and aprons.
- 21.2.13 Spreading of loam for grass plots.
- 21.2.14 Grading of slopes.
- 21.2.15 Construction of retaining walls.
- 21.2.16 Setting of bounds.

SECTION 22.0 BUILDING AND OCCUPANCY PERMITS

22.1 ISSUANCE OF BUILDING PERMIT

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

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 the Special Permit, associated Definitive Subdivision Plan or ANR Plan, and any deed restriction, deed rider, easement, restrictive covenant, contractual agreement or other instrument associated with the Special Permit, associated Definitive Subdivision Plan or ANR Plan, has been recorded at the Norfolk County Registry of Deeds or registered with the Land Court.

22.2 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 23.0 LONG-TERM COMPLIANCE

Subsequent to the recording of a Special Permit at the Norfolk County Registry of Deeds or registration with the Land Court, no land therein shall be sold, and no lot line or structure altered, in a manner that deviates from the approved Special Permit so as to increase the extent of nonconformity with the standard dimensional regulations of the Zoning Bylaw, unless and until an amendment or modification of the Special Permit is granted by the Board and recorded at the Norfolk County Registry of Deeds or registered with the Land Court.

SECTION 24.0 · DISCRETIONARY SPECIAL PERMIT

Special Permits are granted at the discretion of the Board. The use, density and construction standards that may be permitted by the Board under its authority as SPGA may be more stringent than as allowed by these Rules and Regulations and may be based on the merits of the application and the approval criteria set forth in the Zoning Bylaw.

SECTION 25.0 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.

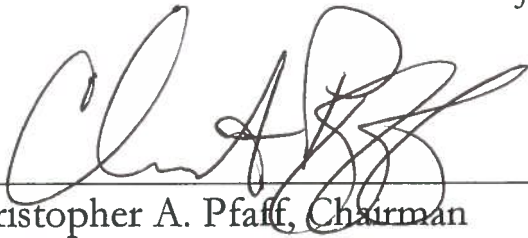
SECTION 26.0 WAIVER OF FULL COMPLIANCE

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 OF THE WESTWOOD PLANNING
BOARD AS SPECIAL PERMIT GRANTING AUTHORITY
PURSUANT TO VARIOUS SECTIONS OF THE
WESTWOOD ZONING BYLAW

ADOPTED BY THE
WESTWOOD PLANNING BOARD
JULY 7, 2015



Christopher A. Pfaff, Chairman



Steven H. Olanoff, Vice Chairman

Trevor W. Laubenstein, Secretary



John J. Wiggin



Bruce H. Montgomery

Date: _____

7/7/15