

**TOWN OF WESTWOOD
PLANNING BOARD**

**RULES AND REGULATIONS FOR
UNIVERSITY AVENUE MIXED USE DISTRICT**



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**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS OF THE
WESTWOOD PLANNING BOARD PURSUANT TO
SECTION 9.8 OF THE WESTWOOD ZONING BYLAW**

UNIVERSITY AVENUE MIXED USE DISTRICT (UAMUD)

TABLE OF CONTENTS

SECTION 1.0	GENERAL PROVISIONS	1
1.1	<i>PURPOSE AND AUTHORITY</i>	<i>1</i>
1.2	<i>APPLICABILITY</i>	<i>1</i>
1.3	<i>ADOPTION AND AMENDMENT.....</i>	<i>1</i>
1.4	<i>EFFECTIVE DATE</i>	<i>1</i>
1.5	<i>CONSTRUCTION OF PROVISIONS.....</i>	<i>2</i>
1.6	<i>SEVERABILITY OF PROVISIONS.....</i>	<i>2</i>
1.7	<i>DEFINITION OF TERMS.....</i>	<i>2</i>
PART I		
SECTION 2.0	CONFORMANCE DETERMINATION.....	3
2.1	<i>PLANNING BOARD ACTION.....</i>	<i>3</i>
2.2	<i>COMPLIANCE WITH CONFORMANCE DETERMINATION.....</i>	<i>3</i>
SECTION 3.0	PROJECT DEVELOPMENT REVIEW	4
3.1	<i>APPLICATION REQUIREMENTS</i>	<i>4</i>
SECTION 4.0	PROJECT FEES	4
4.1	<i>APPLICATION FEES.....</i>	<i>4</i>
4.2	<i>PROJECT REVIEW FEES.....</i>	<i>4</i>
4.3	<i>INSPECTION FEES.....</i>	<i>6</i>
4.4	<i>TRANSCRIPTION COSTS.....</i>	<i>6</i>
4.5	<i>DELINQUENT FEES.....</i>	<i>6</i>
SECTION 5.0	APPLICATION REQUIREMENTS	6
5.1	<i>GENERAL</i>	<i>6</i>
5.2	<i>REQUEST FOR WAIVERS.....</i>	<i>6</i>
5.3	<i>NUMBER OF COPIES.....</i>	<i>7</i>
5.4	<i>SIZE OF PLAN SHEETS.....</i>	<i>7</i>
5.5	<i>OTHER VARIANCES, PERMITS AND SPECIAL PERMITS.....</i>	<i>7</i>
SECTION 6.0	PLAN REQUIREMENTS	7
6.1	<i>PROPONENT'S OBLIGATION</i>	<i>7</i>
6.2	<i>GENERAL INFORMATION REQUIRED ON ALL PLANS.....</i>	<i>8</i>
6.3	<i>LOCUS MAP.....</i>	<i>8</i>
6.4	<i>GENERAL LAYOUT MAP.....</i>	<i>8</i>
6.5	<i>EXISTING CONDITIONS PLAN.....</i>	<i>9</i>

6.6	<i>SITE DEVELOPMENT PLAN.....</i>	9
6.7	<i>PLAN AND PROFILE OF STREETS AND WAYS.....</i>	11
6.8	<i>ARCHITECTURAL FLOOR AND ELEVATIONS PLAN.....</i>	12
6.9	<i>LANDSCAPE PLAN.....</i>	12
6.10	<i>EXTERIOR LIGHTING PLAN.....</i>	13
6.11	<i>TABLE OF DEVELOPMENT DATA.....</i>	14
SECTION 7.0	REPORT REQUIREMENTS AND INSPECTIONS.....	15
7.1	<i>INTRODUCTION.....</i>	15
7.2	<i>DRAINAGE CALCULATIONS.....</i>	15
7.3	<i>FILL REMOVAL CALCULATIONS</i>	15
7.4	<i>TRAFFIC IMPACT STUDY.....</i>	15
7.5	<i>DESIGN AND PERFORMANCE STANDARD NARRATIVE.....</i>	15
7.6	<i>EXISTING IMPACTS STUDY.....</i>	16
7.7	<i>INSPECTIONS.....</i>	16
SECTION 8.0	ADDITIONAL REQUIREMENTS	16
8.1	<i>EXPLOSIVE PERMIT</i>	16
8.2	<i>BICYCLE PARKING</i>	16
SECTION 9.0	SUBSIDY AGREEMENTS.....	17
SECTION 10.0	CONSTRUCTION SCHEDULE.....	17
SECTION 11.0	PROVISION OF SECURITY	17
SECTION 12.0	ADDITIONAL INFORMATION.....	17
SECTION 13.0	SITE VISIT.....	17
SECTION 14.0	REVIEW PROCEDURE.....	18
14.1	<i>REFERRAL TO OTHER BOARDS AND DEPARTMENTS.....</i>	18
14.2	<i>PDR APPLICATION REVIEW.....</i>	18
SECTION 15.0	DISPOSITION OF APPLICATION.....	18
15.1	<i>DISPOSITION OF PDR APPLICATION.....</i>	18
15.1.1	<i>PDR VOTE</i>	18
15.1.2	<i>PDR DECISION.....</i>	19
15.1.3	<i>FILING OF NOTIFICATION OF PDR DECISION.....</i>	19
15.1.4	<i>MODIFICATION, AMENDMENT OF PDR APPROVAL.....</i>	19
SECTION 16.0	BUILDING AND OCCUPANCY PERMITS.....	19
16.1	<i>ISSUANCE OF BUILDING PERMIT.....</i>	19
16.2	<i>ISSUANCE OF OCCUPANCY PERMIT.....</i>	19

PART II

SECTION 17.0	UAMUD SPECIAL PERMIT REVIEW.....	20
17.1	<i>RELATIONSHIP OF SPECIAL PERMITS TO OTHER APPROVALS.....</i>	20

17.2	<i>COORDINATION OF APPLICATIONS FOR PROJECT DEVELOPMENT REVIEW AND SPECIAL PERMITS.....</i>	20
17.3	<i>SPECIAL PERMIT APPLICATION REQUIREMENTS</i>	21
17.4	<i>ADDITIONAL SUBMITTAL REQUIREMENTS.....</i>	21
17.5	<i>CERTIFIED ABUTTERS LIST PLAN SHEETS.....</i>	22
17.6	<i>PUBLIC HEARING.....</i>	23
17.7	<i>PROVISION OF SECURITY.....</i>	23
17.8	<i>ADDITIONAL INFORMATION.....</i>	23
17.9	<i>SITE VISIT.....</i>	24
SECTION 18.0	DISCRETIONARY SPECIAL PERMIT.....	24
SECTION 19.0	DISPOSITION OF SPECIAL PERMIT APPLICATION.....	24
19.1	<i>SPECIAL PERMIT VOTE</i>	24
19.2	<i>SPECIAL PERMIT DECISION.....</i>	24
19.3	<i>NOTIFICATION OF SPECIAL PERMIT DECISION.....</i>	24
19.4	<i>RECORDING OF SPECIAL PERMIT DECISION AND OBTAINING ALL PERMITS</i>	25
19.5	<i>CONSTRUCTIVE APPROVAL.....</i>	25
19.6	<i>WITHDRAWAL OF APPLICATION.....</i>	25
19.7	<i>APPEALS.....</i>	25
19.8	<i>REPETITIVE APPLICATIONS.....</i>	26
19.9	<i>EFFECTIVE DATE F SPECIAL PERMIT.....</i>	26
19.10	<i>LAPSE OF SPECIAL PERMIT.....</i>	26
19.11	<i>EXTENSION OF SPECIAL PERMIT.....</i>	27
19.12	<i>MODIFICATION, AMENDMENT OR RENEWAL OF SPECIAL PERMIT..</i>	26
SECTION 20.0	BUILDING AND OCCUPANCY PERMITS.....	26
20.1	<i>ISSUANCE OF BUILDING PERMIT.....</i>	26
20.2	<i>ISSUANCE OF OCCUPANCY PERMIT.....</i>	27

**PLANNING BOARD
TOWN OF WESTWOOD, MASSACHUSETTS**

**RULES AND REGULATIONS OF THE
WESTWOOD PLANNING BOARD PURSUANT TO
SECTION 9.8 OF THE WESTWOOD ZONING BYLAW**

UNIVERSITY AVENUE MIXED USE DISTRICT (UAMUD)

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, for the purpose of establishing uniform rules and procedures carrying out the provisions of Section 9.8 of the Zoning Bylaw of the Town of Westwood, as may be amended from time to time (the “Zoning Bylaw”). The Proponent 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. As applied to special permit applications, these rules are adopted under the Board’s general special permit granting authority under the Zoning Bylaw in addition to its specific authority under Section 9.8 of the Zoning Bylaw.

1.2 *APPLICABILITY*

These rules apply to a project shown on a Master Development Plan approved at a town meeting pursuant to Section 9.8 of the Zoning Bylaw, University Avenue Mixed Use District (UAMUD), as such plan may be amended or modified from time to time in accordance with the Zoning Bylaw.

1.3 *ADOPTION AND AMENDMENT*

These Rules and Regulations may be adopted and from time to time amended by a majority vote of the Board. Prior to the initial adoption of these Rules and Regulations and any subsequent revisions or amendments, other than purely editorial or ministerial revisions, the Board shall hold a public hearing. None of the provisions of these regulations are intended to conflict with the provisions of the Massachusetts General Laws or of the Zoning Bylaw. In the case of any conflict, the Massachusetts General Laws and the Zoning Bylaw shall take precedence over these Rules and 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 CONSTRUCTION OF PROVISIONS

These Rules and Regulations consist of two parts. Part I sets forth rules and regulations pertaining to Conformance Determinations and Project Development Review pursuant to Section 9.8.12.2 of the Zoning Bylaw. This part comprises Section 2.0 through 16.0 of these Rules and Regulations. Part II sets forth rules and regulations pertaining to special permits when required under Section 9.8 of the Zoning Bylaw. This part comprises Sections 17.0 through 20.0 of these Rules and Regulations.

Project Development Review approvals and special permits are two distinct types of permits that give rise to different considerations, procedures, and legal rights. When applying these Rules and Regulations, it is important to distinguish between these two types of approvals.

1.6 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.

1.7 DEFINITION OF TERMS

All capitalized terms used in these Rules and Regulations which are not specifically defined herein shall be construed in accordance with the provisions of Section 2.0 [Definitions] and Section 9.8 [University Avenue Mixed Use District (UAMUD)] of the Zoning Bylaw.

- 1.7.1. Master Development Plan. Any master development plan approved pursuant to Section 9.8 of the Zoning Bylaw, including the Plan entitled, “University Station – University Avenue Redevelopment, Master Development Plan,” prepared by Tetra Tech, dated November 30, 2012, revised through March 22, 2013, as it may be modified or amended from time to time in accordance with Section 9.8 of the Zoning Bylaw.
- 1.7.2. PDR. Project Development Review, as defined in Section 9.8.12.2.2 of the Zoning Bylaw.
- 1.7.3. PDR Development. A specific phase or area of the UAMUD Project outside of the Core Development Area (CDA) for which a PDR application has been filed; or a development within the CDA that requires post-construction development review pursuant to Section 9.8.12.11 of the Zoning Bylaw.
- 1.7.4. Proponent. The Proponent of the UAMUD Project, a PDR Development, or a Special Permit Project.
- 1.7.5. Special Permit Project. A specific use, activity or structure associated with a UAMUD Project for which a special permit is required pursuant to Section 9.8 of the Zoning Bylaw. A Special Permit Project may be a component of a PDR

Development, but is not limited to such. Another example of a special permit project is any changes to the approved Master Development Plan within the Zone I area that the Planning Board determines may pose material adverse impacts to water quality, as provided in Section 9.8.5.2.7 of the Zoning Bylaw.

- 1.7.6. UAMUD Project. Any project approved pursuant to Section 9.8 of the Zoning Bylaw and shown on a valid Master Development Plan, including the project shown on the Master Development Plan approved at the Special Town Meeting on May 6, 2013, as such plan may be modified or amended from time to time in accordance with Section 9.8 of the Zoning Bylaw.

PART I

SECTION 2.0 CONFORMANCE DETERMINATION

2.1. PLANNING BOARD ACTION

A Conformance Determination for each CDA must be issued pursuant to Section 9.8.12.2.1 of the Zoning Bylaw before any building permits, including foundation permits, may be issued for work within said CDA. On April 29, 2013, the Planning Board issued a Conformance Determination with respect to the materials filed for CDA1 and CDA2, exclusive of signage. Conformance Determinations for CDA3 and CDA4 shall be considered by the Board pursuant to Section 9.8.12.2.1.

2.2. COMPLIANCE WITH CONFORMANCE DETERMINATION

In order to ensure that each CDA is constructed in accordance with the respective Conformance Determinations, the Proponent shall file the following information with the Board:

- 2.2.1. Copies of any applications for foundation or building permits, including full-size copies of plans submitted with or in support of such applications, which paper and electronic copies shall be filed with the Board on the same day as the originals are filed with the Building Department.
- 2.2.2. Copies of any construction-level plans prepared for roadways and other infrastructure improvements, which shall be filed with the Board on the same day as the originals are filed with the Building Department, Town Engineer, or such other Town representative as is responsible for reviewing such plans.
- 2.2.3. Copies of as-built plans for all buildings and infrastructure improvements.

SECTION 3.0 PROJECT DEVELOPMENT REVIEW

3.1 APPLICATION REQUIREMENTS

Pursuant to Section 9.8.12.2.2 and Section 9.8.12.11 of the Zoning Bylaw, a PDR Development must undergo PDR. An application for PDR shall include the following:

- 3.1.1. A completed application form in the form established by the Board and kept on file with the Town Planner, as well as the supporting plans and materials as provided in Section 5.0 through Section 10.0 of these Rules and Regulations.
- 3.1.2. An Application Fee as provided in Section 4.1 of these Rules and Regulations.
- 3.1.3. A Project Review Fee, or other acceptable arrangements for payment of peer review consulting costs, in accordance with Section 4.2 of these Rules and Regulations.

SECTION 4.0 PROJECT FEES

4.1 APPLICATION FEES

The Application Fee for PDR 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. Projects involving new structures: \$1,000.00 or \$.05 per square foot of gross floor area for each new structure, whichever is greater.
- 4.1.2. Projects involving renovations and/or additions to existing structures, with or without site alteration: \$750.00 or \$.05 per square foot of additional floor area, whichever is greater.
- 4.1.3. Projects involving site alteration only, including alterations to parking and/or circulation: \$500.00.

4.2 PROJECT REVIEW FEES

- 4.2.1. The Board may impose a Project Review Fee to pay for the services of outside consultants, including, but not limited to, 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, reviewing and commenting upon plans and other application materials, conducting site visits, preparing or reviewing instruments required by a PDR approval (e.g., deed restrictions). The Project Review Fee shall be in addition to, and not in place of, any Building Permit Fees deposited in a separate Building Permit Fees Account established for a UAMUD Project.

- 4.2.2. The Board shall determine if a Project Review Fee is required to assist in the review of a PDR as soon as is practicable. If it is determined that a Project Review Fee is required, then the Board shall notify the Proponent 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 usual 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). If at any time the 53G Account is depleted or the amount remaining in the 53G Account is insufficient to cover ongoing or future project review, the Board shall notify the Proponent of the amount of any additional fee required and may suspend its review of an application until such additional fee is received by the Town.
- 4.2.3. Excess fees in the 53G Account, including any accumulated interest, shall be returned to the Proponent or the Proponent's successor in interest, with the final inspection of the approved project or at the time of final disapproval of the application. For the purpose of this section, any person or entity claiming to be a Proponent's successor in interest shall provide the Board with documentation establishing such succession in interest.
- 4.2.4. The Board and the Proponent may make mutually-agreeable alternative arrangements for the reimbursement of project review expenses, provided that either the Board or the Proponent may terminate such arrangements without cause at any time, in which case the Board shall impose, and the Proponent shall pay, a Project Review Fee in accordance with this Section 4.2, and the Board may, in its discretion, suspend its review of the application until such fee is received by the Town.
- 4.2.5. The Board shall notify the Proponent 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 Proponent, provided that said appeal is filed in the Office of the Town Clerk within fourteen (14) days after the Proponent'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 PDR Development 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.

4.2.6.3. 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 usual 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

In the event the Board issues a PDR approval, costs associated with construction inspection and monitoring costs shall be funded by the Building Permit Fees Account in accordance with Section 10.4 of the Development Agreement dated May 7, 2013, as this agreement may be amended from time to time. No separate Inspection Fee shall be imposed under this regulation.

4.4. TRANSCRIPTION COSTS

If the Board so requires, the Proponent shall be responsible for all costs associated with the transcription of any public meeting for a PDR application.

4.5. DELINQUENT FEES

4.5.1. All fees which remain unpaid one month from the date of payment request shall be subject to a monthly interest charge not to exceed an annual interest rate of eighteen percent (18%). The Board shall notify the Proponent of the amount of the unpaid fee and the date on which payment was due. In the event that the Proponent pays the fee in full within fourteen (14) days of this notice, no interest shall be charged.

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

SECTION 5.0 APPLICATION REQUIREMENTS

5.1. GENERAL

The Proponent shall submit a cover letter, an application on the form established by the Board, and all of the information required by this section, unless waived in writing by the Board. It is the responsibility of the Proponent to ensure the accuracy and completeness of all information submitted to the Board. The Proponent is also responsible for factually supporting all information contained in the application including references for methodologies used in design calculations. Failure to meet these requirements may constitute grounds for the disapproval of an application.

5.2. REQUEST FOR WAIVERS

Strict compliance with these Rules and Regulations may be waived in writing if the Board finds that (a) the waiver is in the public interest or the information that otherwise would be

required is not relevant to the PDR Development at issue or is duplicative of information previously provided in connection with the UAMUD Project or prior phases thereof, and (b) the waiver is consistent with the intent and purpose of these Rules and Regulations and the Zoning Bylaw. A request from a Proponent for a waiver of these Rules and Regulations must be submitted in writing to the Board. Such request must clearly identify the provision of these Rules and Regulations requested to be waived and the reasons why, in the Proponent's opinion, a waiver is warranted. It shall be the responsibility of the Proponent to demonstrate that the granting of a requested waiver is consistent with the intent and purpose of these Rules and Regulations and the Zoning Bylaw. If a majority of the Board votes to deny a waiver request, the Proponent shall comply with the applicable Rules and Regulations and submit all outstanding information and/or materials within fourteen (14) days of such waiver denial or such other time as the Board deems reasonable. Failure to provide any outstanding information and/or materials may constitute grounds for disapproval of an application.

5.3. NUMBER OF COPIES

At the time of application, the Proponent shall file one (1) full paper copy of the application and all plans, exhibits, analyses, and any other information and/or attachments with the Office of the Town Clerk. The Proponent shall also file with the Board one (1) electronic copy (in a format acceptable to the Board) and a minimum of fifteen (15) paper copies of the application, all plans, exhibits, analyses and any other information and/or attachments.

5.4. SIZE OF PLAN SHEETS

Eight (8) copies of the plan sheets shall be no smaller than 24" x 36" and seven (7) copies of the plan sheets shall be 11" x 17".

5.5. OTHER VARIANCES, PERMITS AND SPECIAL PERMITS

To the extent known at the time of application, the Proponent shall provide a list of any variances, permits, special permits, and/or orders of conditions required to complete the proposed work subject to the PDR. 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 Massachusetts Environmental Policy Act. The application shall include copies of any such approvals that have been obtained by that date. If additional approvals are obtained during the course of PDR review, the Proponent forthwith shall provide the Board with copies.

SECTION 6.0 PLAN REQUIREMENTS

6.1. PROPONENT'S OBLIGATION

The Proponent shall be responsible for ensuring that the plans submitted with a PDR application, as such plans may be supplemented through the review process, provide the

Board with all the information necessary for the Board to find that the PDR Development (a) materially conforms to the Master Development Plan and Master Development Plan submittals enumerated in Section 9.8.3 of the Zoning Bylaw, and (b) complies with the applicable standards and requirements set forth in Section 9.8 of the Zoning Bylaw, including the performance and design standards set forth in Section 9.8.11 of the Zoning Bylaw to the extent applicable.

Where the plans or other documents required by Section 6.0 previously have been provided by the Proponent in connection with prior approvals under Section 9.8 of the Zoning Bylaw, the Proponent does not need to provide duplicative documentation and instead may identify for the Board the name and date of the plans or other documents previously provided and the application or other context in which the plans or other documents were filed.

6.2. GENERAL INFORMATION REQUIRED ON ALL PLANS

Plan sheets shall have the following general information, which shall appear on each individual plan sheet:

- 6.2.1. Title block identifying the Development Area for the proposed PDR Development, as identified on the Master Development Plan.
- 6.2.2. Name of the Proponent and property owner of record.
- 6.2.3. 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.
- 6.2.4. Title and number of each sheet (e.g. Sheet Number 1 of 6 sheets).
- 6.2.5. Date of plan and the date of any subsequent revision, with the revisions noted on each sheet.
- 6.2.6. Scale and arrow oriented to true north.
- 6.2.7. Legend denoting any signs or symbols not otherwise explained.

6.3. LOCUS MAP

A Locus Map shall show the boundaries of the property subject to PDR 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.

6.4. GENERAL LAYOUT MAP

A General Layout Map shall show the PDR Development 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, to the extent applicable. The general layout map shall be shown on the title page or subsequent page.

6.5. EXISTING CONDITIONS PLAN

The Existing Conditions Plan shall include the following information:

- 6.5.1.** 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.
- 6.5.2.** 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.
- 6.5.3.** 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.
- 6.5.4.** 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.
- 6.5.5.** 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.
- 6.5.6.** 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.

6.6. SITE DEVELOPMENT PLAN

The Site Development Plan shall include the following information:

- 6.6.1.** All zoning classifications and zoning district boundaries, including boundaries of Special Flood Hazard Areas and the Water Resource Protection Overlay District, if applicable.
- 6.6.2.** All Development Areas, as delineated on the Master Development Plan, together with all use categories allowed in the Development Area, as identified on the Master Development Plan.
- 6.6.3.** Boundaries, lot area, and non-wetland area of building and non-building lots.

- 6.6.4.** 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.
- 6.6.5.** 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.
- 6.6.6.** 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 with the Master Development Plan and the Zoning Bylaw, as may be amended from time to time, as applicable.
- 6.6.7.** 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.
- 6.6.8.** Location and outline or footprint of all buildings or structures under review with finished floor elevation, dimensions, and setback distances from lot lines.
- 6.6.9.** Affordable Housing units, as applicable.
- 6.6.10.** Access and utility easements.
- 6.6.11.** 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, 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.
- 6.6.12.** Location, type and size of existing and proposed water services.
- 6.6.13.** 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.
- 6.6.14.** Location, type, size and screening of any solid waste/recycling facilities.
- 6.6.15.** Location, type and size of existing and proposed sewer line connections.
- 6.6.16.** The following notes shall be included on the Site Development Plan, as appropriate:
- 6.6.16.1.** The use of fill containing hazardous materials or waste is forbidden.

- 6.6.16.2. The marking of the limits of work in the field prior to the start of construction or site clearing is required.
- 6.6.16.3. Significant trees, including their branches and their root systems, shall be protected with shields, fences, or barriers.
- 6.6.16.4. The cleaning of catch basin sumps and stormwater basins is required following construction and according to any Operations and Maintenance Plan adopted for the overall UAMUD Project or for the PDR Development.
- 6.6.16.5. The use of construction machinery is restricted to the hours permitted in the Town of Westwood General Bylaws, Article 10, Section 24.

6.7. PLAN AND PROFILE OF STREETS AND WAYS

The Plan and Profile of Streets and Ways, where applicable, shall include the following information:

- 6.7.1. Design and construction details of streets and ways.
- 6.7.2. Horizontal scale of 1" = 40' and a vertical scale of 1" = 4', or other scale deemed appropriate by the Board.
- 6.7.3. Existing grades along the centerline and both sidelines of the street or way.
- 6.7.4. Proposed finished centerline grades with elevations at every 50-foot station and location of vertical curves.
- 6.7.5. Design and construction details of sidewalk.
- 6.7.6. Design and construction details of storm drainage system, water supply system, fire hydrants, fire call box system, sewer lines and all other utilities.
- 6.7.7. Identification, location, inverts, slopes, grades, stations and sizes of all utilities and appurtenances.
- 6.7.8. Typical detail of a catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, curbs, ramps, subdrain, waterway, leaching basin, drainage pond or other similar improvements.
- 6.7.9. Typical detail of each type of parking space to be used on the site showing the dimensions of the parking space.
- 6.7.10. Location and design of bicycle racks and bicycle facilities, in compliance with the Board's Bicycle Parking Design Guidelines.

- 6.7.11.** 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.

6.8. ARCHITECTURAL FLOOR AND ELEVATIONS PLAN

The Architectural Floor and Elevations Plan shall include the following information:

- 6.8.1.** 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.
- 6.8.2.** 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.
- 6.8.3.** All Affordable Housing dwelling units, if applicable, shall be clearly delineated on plans.

6.9. LANDSCAPE PLAN

The Landscape Plan shall include the following information:

- 6.9.1.** Landscape treatments planned for the site.
- 6.9.2.** Existing plantings to be retained, including the location, size and species.
- 6.9.3.** 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.
- 6.9.4.** Typical detail of a tree planting and specialty planting area, if applicable.
- 6.9.5.** 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.
- 6.9.6.** Detail and location of any landscape enhancements, including but not limited to, gazebos, benches, and water fountains.
- 6.9.7.** Detail of trash and recycling containers.

6.10. EXTERIOR LIGHTING PLAN

The Exterior Lighting Plan shall include the following information:

- 6.10.1.** Location, orientation and type of outdoor luminaire, including the height of the luminaire.
- 6.10.2.** Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
- 6.10.3.** Type of lamp (i.e.: LED, metal halide, high pressure sodium, etc.) and its associated Color Rendering Index (CRI).
- 6.10.4.** Photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the proposed development area. The Lighting Plan shall also include the following illumination information in a table format: Minimum; Maximum; Average; Average to Minimum; and Maximum to Minimum.

6.11. TABLE OF DEVELOPMENT DATA

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 PDR Development characteristics:

- 6.11.1.** Total PDR Development area and individual lot area.
- 6.11.2.** Lot frontage.
- 6.11.3.** Lot width.
- 6.11.4.** Yard setbacks.
- 6.11.5.** Building height.
- 6.11.6.** Area designated as permanent open space.
- 6.11.7.** Area and percentage of non-wetland lot area.
- 6.11.8.** Area and percentage building coverage.
- 6.11.9.** Area and percentage of impervious surface.
- 6.11.10.** Landscaped area.
- 6.11.11.** Gross floor area, net floor area, and Floor Area Ratio (FAR) of non-residential buildings.
- 6.11.12.** Number of bedrooms per dwelling unit.
- 6.11.13.** Number of dwelling units and dwelling unit density per acre.
- 6.11.14.** Number of Affordable Housing units, as defined in Section 2.0 of the Zoning Bylaw.
- 6.11.15.** Number of Moderate Income Housing units, as defined in Section 2.0 of the Zoning Bylaw.
- 6.11.16.** Number of dwelling units restricted or intended for senior housing.
- 6.11.17.** Number of parking spaces, including designated handicapped spaces.
- 6.11.18.** Number of bicycle parking spaces, including bicycle racks, storage containers, and interior accommodations.
- 6.11.19.** Number of loading bays.
- 6.11.20.** Length of streets and ways.

SECTION 7.0 REPORT REQUIREMENTS AND INSPECTIONS

7.1 INTRODUCTION

Where reports required by Section 7.0 previously have been provided by the Proponent in connection with prior approvals under Section 9.8 of the Zoning Bylaw, the Proponent does not need to provide duplicative documentation and instead may identify for the Board the name and date of the report previously provided and the application or other context in which the report was filed.

7.2 DRAINAGE CALCULATIONS

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, as well as all storm water design and drainage materials submitted in connection with the UAMUD Project or any prior phase thereof. Stormwater drainage runoff calculations used for the drainage system design must be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. The report must contain a written summary explaining the rationale of the design so that the 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 volume and runoff rates shall be provided.

7.3 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.

7.4 TRAFFIC IMPACT STUDY

The Application shall include a narrative addressing how the traffic anticipated in connection with the PDR Development relates to traffic impact studies for the UAMUD Project. The narrative shall identify specific areas that are not functioning as anticipated and other traffic issues known to the Proponent that may require further study and mitigation. The Board may require a supplemental traffic impact study to assess the accuracy of the conclusions in the UAMUD traffic impact study and identify problem areas and potential solutions.

7.5 DESIGN AND PERFORMANCE STANDARD NARRATIVE

The Application shall include a narrative explaining how the PDR Development meets all of the applicable design and performance standards set forth in Section 9.8.11 of the Zoning Bylaw, with references to plans, architectural elevations, sketches, studies, reports, and other supporting materials.

7.6. EXISTING IMPACTS STUDY

To be able to make the findings on impacts required by Section 9.8.12.2.2 of the Zoning Bylaw, during its PDR, the Board may require the Proponent to study, evaluate, and report on impacts attributable to previously-developed portions of the UAMUD Project. The Board and the Proponent shall identify potentially material existing impacts and define the scope of work for evaluating such impacts as early on in the PDR process as is practicable.

7.7. INSPECTIONS

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

7.7.2. Unless an alternative project-specific inspection procedure is agreed to in writing by the Board and the Proponent, the Proponent shall notify the Town Engineer or the Board's 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.

- 7.7.2.1.** Cutting of trees for roadway construction.
- 7.7.2.2.** Clearing and grubbing of roadway.
- 7.7.2.3.** Installation of storm drainage facilities.
- 7.7.2.4.** Installation of water and sewer facilities.
- 7.7.2.5.** Laying of material for sub-base.
- 7.7.2.6.** Excavation for underground utilities.
- 7.7.2.7.** Application of gravel in or above sub-base.
- 7.7.2.8.** Laying of bituminous concrete bottom course.
- 7.7.2.9.** Laying of bituminous concrete top course.
- 7.7.2.10.** Installation of curbing and curb inlets.
- 7.7.2.11.** Spreading of gravel in sidewalks.
- 7.7.2.12.** Laying of bituminous concrete for sidewalks and aprons.
- 7.7.2.13.** Spreading of loam for grass plots.
- 7.7.2.14.** Grading of slopes.
- 7.7.2.15.** Construction of retaining walls.
- 7.7.2.16.** Setting of bounds.

SECTION 8.0 ADDITIONAL REQUIREMENTS

8.1 EXPLOSIVE PERMIT

The Proponent shall provide a copy of the Explosive Permit issued by the Fire Chief in accordance with 527 CMR 13.00, if applicable.

8.2 BICYCLE PARKING

All bicycle racks and bicycle parking facilities shall meet the Board's Bicycle Parking Design Guidelines.

SECTION 9.0 SUBSIDY AGREEMENTS

An application shall include a written statement identifying any proposed governmental subsidy arrangements, which shall be provided for informational purposes only.

SECTION 10.0 CONSTRUCTION SCHEDULE

An application shall include a construction and development schedule, indicating the sequence of construction of infrastructure and buildings; the number of dwelling units, if any, proposed to be completed by the end of each year, including the number of affordable, market rate and age-restricted dwelling units; the total floor area of commercial space proposed to be completed by the end of each year, identified by category of use (i.e.: retail, restaurant, office, etc.); the latest date of completion of any proposed community facilities; and the anticipated final completion date of the PDR Development. The construction and development schedule shall be for informational purposes only unless the Board expressly adopts the schedule, as submitted by the Proponent or as modified by the Board, as a condition of a PDR Approval.

SECTION 11.0 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 (a) to secure the satisfactory completion of all or any part of the work authorized by a PDR Approval or (b) to take other measures, as appropriate, in the event that the work is not completed (e.g., site stabilization).

SECTION 12.0 ADDITIONAL INFORMATION

The Proponent may submit whatever additional information the Proponent feels is relevant to properly inform the Board about the proposed PDR 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 13.0 SITE VISIT

The Board may require a site visit to the PDR Development site. The date and time for such site visit shall be satisfactory to both the Board and Proponent. Other town officials and representatives, including peer review consultants, shall be entitled to participate in the

site visit. The Board may request that any work subject to these Rules and Regulations be clearly flagged or otherwise delineated prior to the scheduled site visit.

SECTION 14.0 REVIEW PROCEDURE

14.1. REFERRAL TO OTHER BOARDS AND DEPARTMENTS

The Board shall transmit copies of the PDR application to the Board of Health, Town Engineer, Department of Public Works, Dedham-Westwood Water District, Police and Fire Departments, Conservation Commission, Building Inspector, 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 Board within thirty-five (35) days of referral, and the 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.

14.2. PDR APPLICATION REVIEW

A PDR application shall require a public meeting but not a public hearing. Notice of the public meeting shall be given in accordance with the Open Meeting Law, M.G.L. c. 30A, Sections 18 through 25. The Board, in its discretion, may informally accept oral or written comments from the public at its public meeting. Such public commentary shall not make the meeting a public hearing or an adjudicatory hearing. The Board, in its discretion, may provide notice of its public meeting beyond the requirements of the Open Meeting Law. Any such notices shall be a courtesy and shall not cause the recipients thereof to become Parties in Interest as defined in M.G.L. Chapter 40A, Section 11.

SECTION 15.0 DISPOSITION OF APPLICATION

15.1. DISPOSITION OF PDR APPLICATION

15.1.1. PDR VOTE.

The decision shall be in writing, shall include the findings required by Section 9.8.12.2.2 of the Zoning Bylaw, and shall be accompanied by and incorporate by reference a written report by the Board. In accordance with Section 9.8.12.2.5 of the Zoning Bylaw, the decision may impose mitigation measures, supplemental development standards, requirements, safeguards, limitations, and specifications, including requirements for post-approval monitoring of development impacts, performance guarantees, self-reporting commitments, and other measures to ensure compliance with the approved plans and submittals.

The decision of the Board shall be made and filed with the Office of the Town Clerk within sixty (60) days following the close of the last public meeting on the PDR

application. The Board and the applicant may agree to extend this time period. Failure to act within this time frame shall not result in constructive approval of PDR.

15.1.2. PDR DECISION.

The affirmative vote of a majority of a quorum of a five (5)-member Board shall be required for a PDR approval. The record shall show the vote of each member or indicate if a member is absent or fails to vote.

15.1.3. FILING OF NOTIFICATION OF PDR DECISION.

A notice of the decision shall be filed with the Office of the Town Clerk and shall be mailed by the Board, postage prepaid, to the Proponent.

15.1.4. MODIFICATION, AMENDMENT OF PDR APPROVAL.

The Board shall have the authority to modify or amend a PDR 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 if the Board determines that such action is consistent with the purposes and intent of the Zoning Bylaw.

SECTION 16.0 BUILDING AND OCCUPANCY PERMITS

16.1. ISSUANCE OF BUILDING PERMIT

Prior to the issuance of a building permit within an approved PDR Development, the Building Commissioner or plan review and inspection consultant retained by the Town for the UAMUD Project shall certify that (a) the plans and other materials submitted in the building permit application are consistent with the PDR approval; and (b) all conditions required to be satisfied prior to the issuance of a building permit have in fact been satisfied. The Proponent shall provide the Building Commissioner or plan review and inspection consultant with all the information that the Building Commissioner or plan review and inspection consultant deems necessary for such a certification to be made.

16.2. ISSUANCE OF OCCUPANCY PERMIT

Prior to the issuance of an occupancy permit within an approved PDR Development, the Building Commissioner or plan review and inspection consultant retained for the UAMUD Project shall certify that (a) the as-built plans for any portion of the PDR Development for which an occupancy permit is sought are consistent with the PDR approval; (b) all the necessary utilities and other infrastructure have been put in place; and (c) all conditions required to be satisfied prior to the issuance of an occupancy permit have in fact been satisfied. The Proponent shall provide the Building Commissioner or plan review and inspection consultant with all the information that the Building Commission or plan review and inspection consultant deems necessary for such a certification to be made.

PART II

SECTION 17.0 UAMUD SPECIAL PERMIT REVIEW

17.1. RELATIONSHIP OF SPECIAL PERMITS TO OTHER APPROVALS

Section 9.8 of the Zoning Bylaw requires a special permit for certain uses, activities, and structures associated with a UAMUD Project. This requirement is in addition to, and not in place of, any other approvals required by that section and is to be treated as a separate project component. For instance, a restaurant of 10,000 square feet or more requires a special permit pursuant to Section 9.8.4.2.3 of the Zoning Bylaw. A PDR Development must undergo PDR regardless of whether it includes such a restaurant. In addition, the restaurant must obtain a special permit separate and apart from the PDR Approval for the PDR Development. The special permit is for the restaurant use alone. It is not for the PDR Development as a whole.

17.2. COORDINATION OF APPLICATIONS FOR PROJECT DEVELOPMENT REVIEW AND SPECIAL PERMITS

17.2.1. Whenever a special permit is required, or more than one special permit is required, from the Board for any use, activity or structure included within the PDR Development, the Proponent shall file the special permit application(s) concurrently with the PDR application.

17.2.2. The Board, in its discretion, may coordinate its PDR and its review of the special permit application(s) so that they proceed together. 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. Where the Board coordinates its review of PDR and special permit applications in this manner, the Proponent 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, and provided further that the Proponent submits a written statement to that effect. All fees required under the various applications shall be submitted, unless otherwise waived by the Board. If the Board coordinates its review of special permit application and a PDR application, it shall not hold a public hearing for its PDR but shall hold a public hearing for the special permit application, and it shall issue separate decisions for each application. The coordination of PDR and special permit review does not affect the rights of the Proponent or the public with respect to any decision on a special permit application or PDR application, each of which remains a distinct decision.

17.2.3. Special permit applications filed in connection with the PDR Development shall comply with the requirements of Sections 17.0 through 20.0 of these Rules and Regulations. The Rules and Regulations of The Westwood Planning Board As Special Permit Granting Authority Pursuant To Various Sections of The Westwood

Zoning Bylaw shall not apply, although they may be consulted for guidance on matters not specifically addressed by these rules and regulations.

17.3. SPECIAL PERMIT APPLICATION REQUIREMENTS

The requirements of this section shall apply wherever a special permit is required pursuant to Section 9.8 of the Zoning Bylaw.

- 17.3.1. A completed application form in the form established by the Board and kept on file with the Town Planner, as well as the supporting plans and materials as provided in Sections 5.0 through 10.0 of these Rules and Regulations, as applicable. If the Board coordinates its review of a special permit application and a PDR application, it may waive any duplicative submittal requirements.
- 17.3.2. An Application Fee as provided in Section 4.1 of these Rules and Regulations. If the Board coordinates its review of a special permit application and a PDR application, it may waive any duplicative Application Fees.
- 17.3.3. A Project Review Fee, or other acceptable arrangements for payment of peer review consulting costs, in accordance with Section 4.2 of these Rules and Regulations.
- 17.3.4. Inspection Fees, in accordance with Section 4.3 of these Rules and Regulations.
- 17.3.5. Transcription Costs, in accordance with Section 4.4 of these Rules and Regulations.
- 17.3.6. Delinquent Fees, in accordance with Section 4.5 of these Rules and Regulations.

For purposes of this Section 17.3, all references to PDR in Sections 4.1, through 4.5 and 5.0 through 10.0 of these Rules and Regulations shall be deemed references to the special permit review, and all references to a PDR Development shall be deemed references to a Special Permit Project. Where Sections 5.0 through 10.00 of these Rules and Regulations specify that certain information is required to meet standards solely applicable to PDR (e.g., Section 7.6 of these Rules and Regulations, which requires an existing impact study to allow the Board to make findings under Section 9.8.12.2.2 of the Zoning Bylaw), such information need not be supplied in a special permit application unless the Board determines that such information is necessary to allow it to make findings relative to the special permit application. Where it is unclear whether certain information must be supplied in a special permit application, the Proponent shall consult with the Town Planner, and the Town Planner shall decide whether such information must be supplied.

17.4. ADDITIONAL SUBMITTAL REQUIREMENTS

- 17.4.1. Where a special permit is requested to allow a specific principal or accessory use pursuant to Section 9.8.4 of the Zoning Bylaw, the Proponent shall provide a narrative description of the specific proposed principal or accessory use, including without limitation all proposed conditions and/or limitations on said use.
- 17.4.2. Where a special permit is requested to allow more than the initial 350 units permitted pursuant to Section 9.8.4.5 of the Zoning Bylaw, the Proponent shall provide

sufficient materials and information as the Board deems necessary for its determination of compliance with all requirements set forth in Section 9.8.4.5.4 of the Zoning Bylaw, including without limitation data related to the occupancy of existing residential units within the UAMUD.

- 17.4.3. Where a special permit is requested to allow an increased building height pursuant to Section 9.8.7.1 of the Zoning Bylaw, the Proponent shall provide sufficient materials and information as the Board deems necessary for its determination of the effects of the proposed increased building height on surrounding and nearby properties, including without limitation such sectional, elevation and perspective drawings as the Board deems necessary for its review.
- 17.4.4. Where a special permit is requested to allow a use or activity within the Water Resource Protection Overlay District (WRPOD) pursuant to Section 9.8.5 of the Zoning Bylaw, the Proponent shall provide sufficient materials and information as the Board deems necessary for its determination of the effects of the proposed building, use or activity on the protected resources within and adjacent to the UAMUD.
- 17.4.5. Where a special permit is requested to allow a modification of the MDP pursuant to Section 9.8.12.14 of the Zoning Bylaw, the Proponent shall provide sufficient materials and information for the Board to determine the effects of the proposed modification on the UAMUD Project, on the surrounding neighborhoods, and on the town as a whole, including without limitation such materials as the Board deems necessary for its assessment of fiscal, environmental, aesthetic, traffic, noise, and similar impacts of the proposed modification.

17.5. CERTIFIED ABUTTERS LIST PLAN SHEETS

Upon submission of a special permit application, a list of Parties in Interest shall be created and certified by the Westwood Board of Assessors. The Parties in Interest shall include:

- Proponent;
- 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.

The Proponent shall be responsible for ensuring that the plans submitted with a special permit application, as such plans may be supplemented through the review process, provide the Board with all the information necessary for the Board to find that the Special Permit Project is in full conformance with all applicable special permit requirements set forth in Sections 9.8 and 10.3 of the Zoning Bylaw.

17.6. PUBLIC HEARING

Unlike a PDR application, a special permit application shall require a public hearing, which shall be held within sixty-five (65) days after the date of filing of an application with the Office of the Town Clerk.

17.6.1. NOTICE OF PUBLIC HEARING.

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 17.5 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 Proponent and Board, which shall be filed in the Office of the Town Clerk.

17.6.2. RULES OF PROCEDURE FOR PUBLIC HEARING.

A Proponent 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 a Proponent, 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 Proponent or his duly authorized representative shall present evidence, testimony or other information in support of the application. Following the Proponent's presentation, the Board may question the Proponent 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.

17.7. 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 (a) to secure the satisfactory completion of all or any part of the work authorized by a special permit or (b) to take other measures, as appropriate, in the event that the work is not completed (e.g., site stabilization).

17.8. ADDITIONAL INFORMATION

The Proponent may submit whatever additional information the Proponent feels is relevant to properly inform the Board about the proposed Special Permit Project, 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.

17.9. *SITE VISIT*

The Board may require a site visit to the Special Permit Project site. The date and time for such site visit shall be satisfactory to both the Board and Proponent. Other town officials and representatives, including peer review consultants, shall be entitled to participate in the site visit. The Board may request that any work subject to these Rules and Regulations be clearly flagged or otherwise delineated prior to the scheduled site visit.

SECTION 18.0 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 Special Permit Granting Authority may be more stringent than as allowed by Section 9.8 of the Zoning Bylaw and may be based on the merits of the application and the special permit approval criteria set forth in the Zoning Bylaw.

SECTION 19.0 DISPOSITION OF SPECIAL PERMIT APPLICATION

19.1. *SPECIAL PERMIT 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 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 Special Permit decision.

19.2. *SPECIAL PERMIT 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 Proponent and Board, which shall be filed in the Office of the Town Clerk.

19.3. *NOTIFICATION OF SPECIAL PERMIT DECISION*

A notice of the Special Permit decision shall be mailed by the Board, postage prepaid, to the Proponent, 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.

19.4. RECORDING OF SPECIAL PERMIT DECISION AND OBTAINING ALL PERMITS

The Proponent 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 Inspector. The Proponent 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 rescission of a previously approved Special Permit.

19.5. CONSTRUCTIVE APPROVAL

Failure by the Board to file the 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 the Proponent, shall be deemed to be a constructive grant of the Special Permit. A Proponent 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 Proponent 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 Proponent 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 Proponent should provide sufficient data and materials to meet all requirements of the Zoning Bylaw and relevant statutes.

19.6. WITHDRAWAL OF APPLICATION

An Applicant may withdraw a special permit 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.

19.7. APPEALS

Any person aggrieved by the 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.

19.8. 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.

19.9. 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 Land Court and indexed under the name of the property owner of record and parcel address.

19.10. LAPSE OF SPECIAL PERMIT

A Special Permit shall lapse if substantial construction thereunder or use thereof has not commenced, except for good cause, within two (2) years from the date of the filing of the special permit approval (plus any such time as required to pursue or await a determination of an appeal referred to in M.G.L. Chapter 40A).

19.11. 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.

19.12. MODIFICATION, AMENDMENT OR RENEWAL OF SPECIAL PERMIT

The Board shall have the authority to modify, amend or renew its approval of a Special Permit pursuant to Section 9.8 of the Zoning Bylaw if the Board determines that such action is consistent with the purposes and intent of the Zoning Bylaw.

SECTION 20.0 BUILDING AND OCCUPANCY PERMITS

20.1. ISSUANCE OF BUILDING PERMIT


Prior to the issuance of a building permit for an approved Special Permit Project, the Building Commissioner or plan review and inspection consultant retained by the Town for


the UAMUD Project shall certify that (a) the plans and other materials submitted in the building permit application are consistent with the special permit; and (b) all conditions required to be satisfied prior to the issuance of a building permit have in fact been satisfied. The Proponent shall provide the Building Commissioner or plan review and inspection consultant with all the information that the Building Commissioner or plan review and inspection consultant deems necessary for such a certification to be made.


20.2. ISSUANCE OF OCCUPANCY PERMIT

Prior to the issuance of an occupancy permit within an approved Special Permit Project, the Building Commissioner or plan review and inspection consultant retained for the UAMUD Project shall certify that (a) the as-built plans for any portion of the Special Permit Project for which an occupancy permit is sought are consistent with the special permit; and (b) all conditions required to be satisfied prior to the issuance of a building permit have in fact been satisfied. The Proponent shall provide the Building Commissioner or plan review and inspection consultant with all the information that the Building Commissioner or plan review and inspection consultant deems necessary for such a certification to be made.

TOWN OF WESTWOOD PLANNING BOARD







Date: 9/3/13