

**ZONING BYLAW
OF THE
TOWN OF WESTWOOD,
MASSACHUSETTS**



**AS ADOPTED MARCH 13, 1961
WITH ALL AMENDMENTS
UP TO AND INCLUDING THE
MAY 7, 2012 ANNUAL TOWN
MEETING**

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SECTION 1.0 PURPOSE AND AUTHORITY

- 1.1 **PURPOSE.** These regulations are enacted to promote the general welfare of the Town, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the Town, to preserve the cultural and historical heritage of the community, to protect the natural environment, to increase the amenities of the Town and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, M.G.L. Chapter 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.
- 1.2 **AUTHORITY.** This Zoning Bylaw is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto.
- 1.3 **SCOPE.** For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land in the Town are regulated as hereinafter provided.
- 1.4 **APPLICABILITY.** All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Bylaw shall control.
- 1.5 **AMENDMENTS.** This Bylaw may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in M.G.L. Chapter 40A, section 5 and any amendments thereto.
- 1.6 **SEPARABILITY.** The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION 2.0 DEFINITIONS

In this Bylaw, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Bylaw. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “shall” is mandatory and “may” is permissive or discretionary. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances or items of like character or kind. The word “lot” includes “plot”; the word “used” or “occupied” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”. The words “building”, “structure”, “lot” or “parcel” shall be construed as being followed by the words “or any portion thereof”. The word “person” includes a firm, association, organization, partnership, company or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this Bylaw.

- 2.1 Access Actual, practical and safe vehicular passage from a street through the front lot line to building site.
- 2.2 Adult Bookstore An establishment having at least fifteen percent (15%) of its stock in trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L Chapter 272, section 31.
- 2.3 Adult Cabaret A restaurant or other establishment licensed under Section 12 of Chapter 138, of the General Laws, which regularly features exotic dancers, strippers, male or female impersonators or similar entertainers.
- 2.4 Adult Day Care Facility Any premises which on a regular basis receives for temporary custody and care, during the part or all of the day, adults over the age of twenty-one, providing to said adults, training in various activities of daily life, including but not limited to, bathing, dressing, cooking, and hygiene instructions, programs in current events, exercise and art and counseling for caretakers of adults requiring care.
- 2.5 Adult Live Entertainment Establishment An establishment which features live entertainment for its patrons, which consists of entertainers engaging in sexual conduct or nudity as defined in M.G.L. Chapter 272, section 31.
- 2.6 Adult Mini Motion Picture Theater An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, section 31, for observation by patrons therein.

- 2.7 Adult Motion Picture Theater An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, section 31, for observation by patrons therein.
- 2.8 Adult Paraphernalia Store An establishment having at least fifteen percent (15%) of its stock in devices, objects, tools or toys which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, section 31.
- 2.9 Adult Use An Adult Bookstore, Adult Cabaret, Adult Live Entertainment Establishment, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Paraphernalia Store and/or Adult Video Store as herein defined.
- 2.10 Adult Video Store An establishment having at least fifteen percent (15%) of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, section 31.
- 2.11 Affordable Housing Dwelling units 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.
- 2.12 Agricultural Use, Exempt Agricultural use of property exempted by M.G.L. Chapter 40A, Section 3, and further defined by M.G.L. Chapter 128, Section 1A.
- 2.13 Agricultural Use, Non-exempt Agricultural use of property not exempted by M.G.L. Chapter 40A, Section 3, and consistent with M.G.L. Chapter 128, Section 1A.
- 2.14 Alterations As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 2.15 Animal Clinic or Hospital A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.
- 2.16 Assisted Living Residence Dwelling units and associated facilities designed to provide room and board to residents who do not require 24-hour skilled nursing care; to provide assistance with activities of daily living; and to collect payments for the provision of these services, all as further defined in M.G.L. Chapter 19D, section 1.

- 2.17 Baseline Traffic Conditions The volume/capacity ratio on a street or the available reserve capacity at an intersection resulting from the traffic forecast at a five year horizon, given peak hour trip generation from the premises of 1.0 trip per 1,000 square feet of lot area.
- 2.18 Boarding House A dwelling or part thereof in which lodging is provided by the owner or operator to more than three (3) individuals who are not part of the owner's family.
- 2.19 Building (see structure) A structure enclosed by exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.
- 2.20 Building, Accessory A subordinate, detached building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.
- 2.21 Building Coverage The horizontal area measured within the outside of the exterior walls of the ground floor for all principal and accessory buildings and structures on a lot, exclusive of cornices, eaves, gutters, chimneys, steps, bay windows, balconies and terraces.
- 2.22 Building Envelope The three-dimensional space within which a building or structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height and bulk, by other regulations and/or a combination thereof.
- 2.23 Building Lot Coverage That percentage of the lot or plot area covered by the roof area of a building or buildings.
- 2.24 Building, Principal A building in which is conducted the main or principal use of the lot on which said building is situated.
- 2.25 Building Trade Shop An establishment or part thereof, which may include office space, interior storage and preparation space for use by the practitioner of a building trade such as a builder, carpenter, cabinetmaker, electrician, mason, painter, paperhanger, plumber, roofer or sign painter.
- 2.26 Business Services Establishment Establishments primarily engaged in providing services to business or government on a fee or contract basis, such as advertising and mailing, employment, management and consulting, protective services.
- 2.27 Campground An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and major recreational equipment, which is primarily used for recreational purposes and retains on open air or natural character.

- 2.28 Child Care Facility A day care center or school age child care program, as those terms are defined in M.G.L. Chapter 28A, section 9.
- 2.29 Club or Lodge, Private Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising or commercial activities except as may be required generally for the membership and purposes of such organization.
- 2.30 Coffee Shop An establishment where the primary activity is the retail sales of coffee, tea, and/or similar products for consumption on or off the premises.
- 2.31 Commercial Recreation, Indoor A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Commercial indoor recreation shall include the following places of assembly: theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, or other commercial recreational centers conducted for or not for profit.
- 2.32 Commercial Recreation, Outdoor Drive-in theatre, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.
- 2.33 Commercial Vehicle Any motor vehicle bearing commercial plates, or on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or any vehicle with ladders, tools, stock or supplies visibly stored on the exterior of the vehicle.
- 2.34 Construct To build, construct, reconstruct, move upon or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect. The word “constructed” shall be construed to include the words “built”, “erected”, “reconstructed”, “altered”, “enlarged”, “moved” and “placed”.
- 2.35 Contractor's Yard Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies and/or parking of wheeled equipment.
- 2.36 Coordinated Unit An association of dwelling unit owners or a management company operating and maintaining a residential facility as a common entity.
- 2.37 Drive-Through Service Feature or characteristic of a use involving sales of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services, such as Automated Teller Machines (ATM).

- 2.38 Driveway An open space, which may be paved, located on a lot, built for vehicular access to a garage or off-street parking or loading space.
- 2.39 Dwelling A building, or any part thereof, designed and occupied as the living quarters of one (1) or more families. Single-family and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multi-family dwelling shall be one designed for and occupied by three (3) or more families. A dwelling shall include one-family and two-family houses, apartments, and boarding or lodging houses, but not including transient accommodations such as in hotels or motels.
- 2.40 Dwelling Unit A dwelling intended for use by one family as a single housekeeping unit.
- 2.41 Earth Material Movement The export, import and/or regrading of soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material or similar material by means of vehicles and machinery, to, from, or on land within the Town.
- 2.42 Educational Use, Non-exempt Educational facilities not exempted from regulation by M.G.L. Chapter 40A, section 3.
- 2.43 Effective Date The “Effective Date” of any requirement hereof or any amendment thereto subsequently adopted shall be the date on which such requirement or amendment was voted by Town Meeting.
- 2.44 Essential Services Services provided by a public service corporation or by governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.
- 2.45 Family One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit; or a number of persons but not exceeding four (4) living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.
- 2.46 Family Day Care, Large A private dwelling which receives for temporary custody up to ten (10) children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care as defined in M.G.L. Chapter 28A.

- 2.47 Family Day Care, Small A private dwelling which receives for temporary custody up to six (6) children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care as defined in M.G.L. Chapter 28A.
- 2.48 Farm Stand, Exempt Facility for the sale of agricultural products on property exempted by M.G.L. Chapter 40A, Section 3, to the extent expressly permitted therein.
- 2.49 Farm Stand, Non-exempt Facility for the sale of agricultural products on property not exempted by M.G.L. Chapter 40A, Section 3.
- 2.50 Fast Order Food Food which is: (1) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (2) available upon a short waiting time; and (3) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.
- 2.51 Fast Order Food Establishment A specific operation separate and distinct from any other operation in the location occupied and in the kind of Fast Order Food sold and which: (1) has as its primary business the sale to the public of Fast Order Food for consumption on or off the premises, and (2) does not meet all the following conditions: (i) provision of non-disposable plates, cups and utensils to all patrons, (ii) availability of individual printed menus for all patrons, (iii) provision of seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (iv) at least fifty-one (51) percent of the revenues from food sales is attributable to food consumed on premises. The term “fast order food establishment” shall not include “coffee shop”, “ice cream parlor” or “retail take-out counter” as herein separately defined.
- 2.52 Flea Market A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include selling goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent, profit-seeking businesses that require all local permits and licenses.
- 2.53 Floor Area, Gross The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairways, closets, thickness of walls, columns or other features.
- 2.54 Floor Area, Net The total square feet of floor space within the outside dimensions of a building including each floor level, with deduction for hallways, stairways, elevator wells, rest rooms, common hallways and building service areas.
- 2.55 Floor Area Ratio (FAR) The gross floor area of a building, less all floor area of said building attributed to entrance areas, atriums and parking garages, divided by the total gross lot area of the parcel on which it is located. For example, a one acre lot with a

FAR of .75 could contain 32,670 square feet of floor area (43,560 x .75=32,670), plus such additional area as may be attributed to entrance areas, atriums or parking garages.

- 2.56 Funeral Home Facility for the conducting of funerals and related activities such as embalming.
- 2.57 Garage, Private Any building or portion of a building, located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing or repair of such vehicles is provided thereon.
- 2.58 General Services Establishment An establishment primarily engaged in providing general repair and other similar services to the public, such as appliance, computer, office equipment and bicycle repair, tool sharpening or upholstery.
- 2.59 Golf Course A 9-hole or 18-hole course consisting of tees, greens and fairways with customary and incidental accessory uses including driving range, vehicular parking, clubhouse, retail shop for the sale of golf-related items only and administrative offices. The term “golf course” shall not include miniature golf.
- 2.60 Hazardous Material A substance, or combination of substances, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious, or incapacitating illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. These substances shall include, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.
- 2.61 Hazardous Wastes A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious, or incapacitating illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. These wastes shall include, but not be limited to, any wastes which fall within the definitions of hazardous waste under the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provision of Sections 27(8), 52, 57, and 58 of Chapter 21 of the General Laws.
- 2.62 Height, Building Measured at the vertical distance from the average finished ground elevation adjoining the building at all exterior walls (grade plane) to the average height of the highest roof surface, except that in residential districts, height is measured from the highest finished ground elevation adjoining the building at all exterior walls. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually

carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are used in no way for human occupancy.

- 2.63 Home Occupation An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof, which does not alter the residential character of the property or negatively affect surrounding residential properties. Examples of home occupations include, but are not limited to, the office of a physician, dentist, attorney, accountant, architect, engineer, real estate agent or insurance agent; or the studio of an artist, musician or dancer; or the studio of a teacher of art, music or dance; or the workroom of a dressmaker, milliner or photographer.
- 2.64 Impervious Any area impenetrable by surface water.
- 2.65 Ice Cream Parlor An establishment where the primary activity is the retail sales of ice cream, frozen yogurt and/or similar products for consumption on or off the premises.
- 2.66 Inoperable Vehicle Any vehicle lacking a valid registration or inspection decal or which is, and for the immediately preceding thirty-one (31) days, has been wholly or partially dismantled, whether or not it has said registration or inspection decal.
- 2.67 Junk Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can not be used for its original purpose as readily as when new shall be considered junk.
- 2.68 Junkyard or Automobile Graveyard The use of any area or any lot, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.
- 2.69 Kennel Any pack or collection of more than three (3) dogs three (3) months old or over, owned or kept on a lot irrespective of the purposes for which they are maintained.
- 2.70 Kennel, Commercial A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.
- 2.71 Leachable Wastes Waste materials including, without limitation, solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.
- 2.72 Light Manufacturing A use engaged in the fabrication, assembly, processing, finishing work or packaging of materials.

- 2.73 Loading Space An on-the-property space for the standing, loading or unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be not less than ten (10) feet in width, fourteen (14) feet in height and thirty (30) feet in length, exclusive of access aisles and maneuvering space.
- 2.74 Lot A single parcel of land held in identical ownership throughout, and defined by metes, bounds or boundary lines in a recorded deed or on a recorded plan.
- 2.75 Lot Area The total horizontal area within the boundary lines of a lot.
- 2.76 Lot, Corner A lot on a corner fronting on two (2) intersecting streets. In the case of a corner lot, one side lot line shall be designated a rear yard line for setback and yard requirements.
- 2.77 Lot, Depth of The mean distance from the street layout of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a lot has no frontage on a street, the lot depth shall be the mean distance from the property line determined by the Building Commissioner to be the front lot line to the opposite rear lot line measured in the general direction of the side lines of the lot.
- 2.78 Lot, Frontage of The length of common boundary between a lot and a way legally qualifying to provide frontage for the division of land, pursuant to M.G.L. Chapter 41, section 81L, to be measured continuously along the street layout between side lot lines and their intersection with the street line, which is capable of providing safe and adequate vehicular access from said way to the principal use of the lot.
- 2.79 Lot Line A line dividing one lot from another, or from a street or any public place.
- 2.80 Lot Line, Front Any lot line coinciding with a street line is a front lot line regardless of the orientation of any principal or accessory building or structure on the lot.
- 2.81 Lot Line, Rear Any lot line, or combination of lot lines, which is opposite or approximately opposite the front lot line. In the case of a triangular or irregular-shaped lot, a line ten (10) feet long within the lot, parallel to and farthest from the front lot line shall be designated the rear lot line. In the case of a corner lot, one side lot line shall be designated a rear lot line for purposes of determining setback requirements. It may be any side lot line provided that a front lot line opposite it has sufficient frontage to meet the minimum lot frontage requirements pursuant to Section 5.2, Table of Dimensional Requirements. In all cases, if there is a dispute as to whether a lot line is a side lot line or a rear lot line, it shall be considered a rear lot line.
- 2.82 Lot Line, Side Any lot line other than a front lot line or a rear lot line.
- 2.83 Lot Width The minimum distance between the side lot lines at all points between the front lot line and the nearest point of a principal building.

- 2.84 Manufacturing A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
- 2.85 Massage Parlor Premises principally used for the practice of massage by persons licensed by the Board of Health under Section 51 of Chapter 140 of the General Laws.
- 2.86 Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
- 2.87 Mobile Home A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.
- 2.88 Moderate Income Housing Dwelling units available at a cost of no more than thirty (30) percent of gross household income to households at or below one hundred twenty (120) percent of the Boston PMSA median income as most recently reported by the U.S. Housing and Urban Development (HUD).
- 2.89 Motel or Hotel A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four (4) month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.
- 2.90 Motor Vehicle Body Repair An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts.
- 2.91 Motor Vehicle General Repairs Premises for the servicing and repair of automobiles, but not to include fuel sales.
- 2.92 Motor Vehicle Light Service Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting or major repairs.
- 2.93 Municipal Facilities Facilities owned or operated by the Town of Westwood.
- 2.94 Nonconforming Structure A structure not in conformance with one or more provisions of this Bylaw which was lawfully in existence or was lawfully begun before the first

publication of notice of the public hearing concerning amendment of a zoning provision that would render the structure not in compliance.

- 2.95 Nonconforming Use A use of a building, structure or land not in conformance with one or more provisions of this Bylaw which was lawfully in existence or was lawfully begun before the first publication of notice of the public hearing concerning amendment of a zoning provision that would render the use not in compliance.
- 2.96 Nursing or Convalescent Home Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.
- 2.97 Open Space Residential Development A residential development proposed under the procedures of Article 8.3 of this bylaw, using the 4-step design process described therein and employing the practices established in that section for the design, protection and maintenance of common open space.
- 2.98 Parking Garage A structure, or a portion of a structure, which use is accessory to a commercial or industrial establishment and is primarily for the parking of vehicles operated by the customers, visitors and employees of such an establishment.
- 2.99 Parking Space An area intended and reserved for parking one automobile, provided that the area's dimensions and access meet standards adopted and from time to time amended by the Planning Board. Does not include spaces for storage or display of automobiles intended for sale.
- 2.100 Personal Services Establishment An establishment primarily engaged in providing services involving the care of a person or their apparel and household possessions, such as a barber or beauty shop, tanning beds, laundry or dry cleaning, photographer's studio or dressmaking or millinery shop.
- 2.101 Premises A lot together with all structures, buildings and uses thereon.
- 2.102 Professional Services Establishment An establishment primarily engaged in the transaction of business or the provision of services within a building or part thereof, such as the professional office of a physician, lawyer, engineer, architect, accountant, real estate or insurance agent or broker, or similar activity, which may include clerical, accounting and administrative activities associated with said activity, but which shall be exclusive of the receipt, sale, storage or processing of merchandise.
- 2.103 Public Communications Use Structure whose use is the FCC-licensed transmission of electronic communications.
- 2.104 Public Utility Communications or energy facilities operated by a public service corporation and regulated by the Department of Telecommunications and Energy.
- 2.105 Recreational Vehicle A vehicle or vehicular attachment, with or without utilities, flush toilets or bath facilities, which is used for recreational purposes, and which is not a

residence, including but not limited to such items as a travel trailer, a pick-up camper, a tent trailer, a boat, a boat trailer and a motor home.

- 2.106 Research and Development A use engaged in the fields of technology, medical, pharmaceutical, physical, environmental, biological or behavioral sciences, including the production of equipment, apparatus, machines or other devices for research, development, manufacturing advance and practical application in any such field or area, and including office, administrative, laboratory, manufacturing and support space and facilities.
- 2.107 Restaurant An establishment where the primary activity is the preparation, service and sale of meals for consumption on the premises while seated inside a completely enclosed building, and where the customers do not generally have the option to consume their meals outside such building. The term “restaurant” shall not include “fast order food establishment”, “coffee shop” or “ice cream parlor” as herein separately defined.
- 2.108 Retail A facility selling goods but not specifically listed in the Table of Use Regulations.
- 2.109 Retail Take-out Counter A counter, accessory to a retail establishment, engaged in the dispensing of prepared food and/or beverage to persons carrying food and beverage away for consumption elsewhere.
- 2.110 Self-Storage or Mini-Storage Facility A facility constructed and configured to allow access to individuals who rent, lease or otherwise utilize, individually self-contained sub-units of the structures for the storage of personal, company or corporate possessions.
- 2.111 Setback The minimum horizontal distance from the lot line to the nearest point of a building or structure.
- 2.112 Solid Waste Disposal Facility Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Westwood for processing, handling, treating and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and sludges but not raw sewage and similar waste items.
- 2.113 Story The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third (1/3) of the area of the floor immediately below, it shall be deemed to be a story. A basement, as defined in the Massachusetts State Building Code, shall be deemed to be a story when its ceiling is six (6) feet or more above the finished grade. A cellar, as defined in the Massachusetts State Building Code, shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

- 2.114 Street A street shall be (1) an improved public way laid out and maintained by the Town of Westwood, or the Norfolk County Commissioners, or the Commonwealth of Massachusetts; or (2) a way which the Westwood Town Clerk certifies is maintained by public authority and used as a public way; or (3) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or (4) a way shown on a plan endorsed after January 1, 1995, as not requiring approval under the Subdivision Control Law; or (5) a way in existence as of September 28, 1969 having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. A public or private way shall not be deemed to be a street as to any lot of land that does not have access to and passage over said way.
- 2.115 Street Line A lot line between a street and a lot.
- 2.116 Structure An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, communication towers, flag poles, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, tanks in excess of 500 gallons used for the storage of any fluid other than water and swimming pools. A freestanding fence or wall six (6) feet or less in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of six (6) feet or less, measured from the lowest point of grade adjacent to the fence, or combined wall and fence, will not be considered a structure.
- 2.117 Temporary Structure A structure without any foundation or footings to be removed within a twelve (12) month time period. Said structure shall conform to the requirements of Section 5.2, Table of Dimensional Requirements and shall receive a permit from the Building Commissioner.
- 2.118 Toxic Materials A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation and assimilation into any organism can cause death, disease, mutations, deficiencies or malfunctions in such organisms or their offspring.
- 2.119 Transport Terminal Terminal facilities for handling freight with or without maintenance facilities.
- 2.120 Upper Story Dwelling Unit A residential dwelling unit located on one or more stories above a ground story use.
- 2.121 Use, Accessory Either a subordinate use of a building, structure or land, or a subordinate, detached building or structure (i) whose use is clearly incidental to the main use of the premises on which located, and (ii) which does not constitute, in effect, a conversion of that main use to the one not permitted.

- 2.122 Use, Principal The main or primary use of any land or lot.
- 2.123 Used The word “Used” shall be construed to include the words “arranged”, “designed”, “converted”, “rented” or “leased to be used”.
- 2.124 Warehouse A building used primarily for the storage of goods and materials for distribution but not for sale on the premises. The term “warehouse” shall not include a self-storage or mini-storage facility.
- 2.125 Yard A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving and other customary yard accessories.
- 2.126 Yard, Front A yard extending the full width of the lot and situated between the street line and the nearest point of the principal building.
- 2.127 Yard, Rear A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the principal building projected to the side lines of the lot.
- 2.128 Yard, Side A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

SECTION 3.0 DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Bylaw, the Town of Westwood is hereby divided into the following types of districts:

3.1.1 Residential Districts:

Single Residence A District (SRA)
Single Residence B District (SRB)
Single Residence C District (SRC)
Single Residence D District (SRD)
Single Residence E District (SRE)
Special Residence District (SR)
General Residence District (GR)

3.1.2 Nonresidential Districts:

Local Business District A (LBA)
Local Business District B (LBB)
Administrative-Research-Office District (ARO)
Highway Business District (HB)
Industrial District (I)
Industrial-Office District (IO)

3.1.3 Overlay Districts:

Adult Uses Overlay District (AUOD)
Flood Area Overlay District (FAOD)
Mixed Use Overlay District (MUOD 1, MUOD 2 and MUOD 3)
Flexible Multiple Use Overlay District (FMUOD)
Water Resource Protection Overlay District (WRPOD)
Wireless Communications Overlay District (WCOD)
Upper Story Residential Overlay District (USROD)

3.2 PURPOSES OF NONRESIDENTIAL DISTRICTS

3.2.1 Local Business. LBA and LBB Districts are intended as locations for businesses to serve the Town or nearby residential neighborhoods with convenience goods and services, managed so as to reflect proximity to residential environs.

3.2.2 Administrative-Research-Office. ARO Districts are intended as locations for businesses engaged in administrative, research and office activities or other uses which may have unusual requirements for space, light and air and which are clean and quiet and not detrimental to the residential use of adjacent property.

- 3.2.3 **Highway Business.** HB Districts are intended as locations for businesses to serve a larger market area from locations which abut or have access to major highways.
- 3.2.4 **Industrial.** I and IO Districts are intended as locations for businesses engaged in office, manufacturing, distribution, retail and restaurant activities.

3.3 LOCATION OF DISTRICTS

All districts referred to in this Section are located as shown on a map (the “Zoning Map”) filed with the Town Clerk, entitled “Town of Westwood, Massachusetts Zoning Map”, dated June 1, 2006, and said Map, together with all explanatory matter thereon, shall be deemed to be part of this Zoning Bylaw.

3.4 DISTRICT BOUNDARIES

The location of the boundary lines between the zoning districts shown on the Zoning Map shall be determined as follows:

- 3.4.1 Where a boundary is shown approximately on the location of a property or lot line and the exact location of said property or lot line is not indicated by means of a figure or otherwise, then the property or lot line shall constitute the district boundary line.
- 3.4.2 Where a boundary is shown upon a street, railroad or utility transmission line, the boundary shall be the center line thereof, unless otherwise indicated.
- 3.4.3 Where a boundary is shown outside a street, railroad or utility transmission line approximately parallel thereto, it shall be taken as parallel to the center line thereof.
- 3.4.4 In any case not covered by the other provisions of this Section, the location of a district boundary shall be determined by the distance in feet, if given, from other lines or points shown on the Zoning Map or, if distances are not given, by the scale of the Map.
- 3.4.5 Wherever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Building Commissioner.

3.5 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot laid out and duly recorded prior to the effective date of the establishment of such boundary, the regulations applying to the less restricted district may be considered as exceeding not more than fifty (50) feet into the portion of the lot in the more restricted district, but only if the lot has frontage on a street in the less restricted district

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 **Table of Principal Uses.** The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3 RESIDENTIAL USES													
4.1.3.1 Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.3.3 Two-Family Dwelling per Section 8.2	N	N	N	N	N	BA	N	N	N	N	N	N	N
4.1.3.4 Senior Residential Development per Section 8.5	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N
4.1.3.5 Residential Retirement Community per Section 8.6	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.3.6 Nursing or Convalescent Home	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.7 Assisted Living Residence	N	N	N	N	N	N	N	N	N	N	N	N	BA ¹
4.1.3.8 Open Space Residential Development in accordance with Section 8.3 ¹¹	N	Y	Y	N	Y	N	N	N	N	N	N	N	N
4.1.4 EXEMPT AND INSTITUTIONAL USES													
4.1.4.1 Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.3 Child Care Facility in new building	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.4.4 Child Care Facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.5 Agricultural Use, Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.6 Farm Stand. Exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.7 Municipal Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.8 Essential Services	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	Y	Y	BA
4.1.4.9 Extension of existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4.10 Public Utility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	BA

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 COMMERCIAL USES													
4.1.5.1 Agricultural Use, Non-exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.2 Farm Stand, Non-exempt ²	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.1.5.3 Animal Hospital or Animal Clinic	N	N	N	N	N	N	N	BA	BA	Y	BA	BA	N
4.1.5.4 Funeral Home	N	N	N	N	N	N	N	BA	BA	BA	N	N	BA
4.1.5.5 Motel or Hotel on five (5) acres or more	N	N	N	N	N	N	N	N	N	N	BA	BA	N
4.1.5.6 Retail sales and services, less than 15,000 square feet	N	N	N	N	N	N	N	Y ⁴	Y ⁴	Y ⁵	Y	Y	N
4.1.5.7 Retail sales and services, 15,000 square feet or more	N	N	N	N	N	N	N	Y ⁴	Y ⁴	Y ⁵	BA ³	BA ³	N
4.1.5.8 Motor Vehicle Sales and Rental; other open air sales	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.9 Motor Vehicle General Repairs and Body Repair	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.10 Motor Vehicle Light Service	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.11 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y ⁶	Y ⁶	N
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	Y	Y	Y	BA ⁶	BA ⁶	N
4.1.5.13 Restaurant with entertainment	N	N	N	N	N	N	N	BA	BA	BA	N	N	N
4.1.5.14 Fast Order Food Establishment	N	N	N	N	N	N	N	N	N	BA ⁷	N	N	N
4.1.5.15 Coffee Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.16 Ice Cream Parlor	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.17 Kennel, Commercial	N	N	N	N	N	N	N	N	N	Y	BA	BA	N
4.1.5.18 Professional Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.1.5.19 Business Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.1.5.20 Office of doctor or dentist not a resident on premises	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.21 Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.22 Commercial Recreation, Outdoor	N	N	N	N	N	N	N	N	N	BA	N	N	N
4.1.5.23 Commercial Recreation, Indoor	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5 COMMERCIAL USES, CONTINUED													
4.1.5.24 Golf Course	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.25 Personal Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.26 General Services Establishment	N	N	N	Y	N	N	N	N	N	BA	N	N	N
4.1.5.27 Campground, wildlife preserve, fishing grounds operated not for profit	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.5.28 Printing/copy/publishing establishment, less than 4,000 square feet	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
4.1.5.29 Printing/copy/publishing establishment, 4,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.30 Major Business Development per Section 7.2	N	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB
4.1.5.31 Building Trade Shop in an establishment with less than 8,000 square feet	N	N	N	N	N	N	N	Y ⁸	Y ⁸	Y	Y	Y	N
4.1.5.32 Building Trade Shop in an establishment with 8,000 square feet or more	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	N
4.1.5.33 Commercial laundry, dry cleaning, dye work, carpet cleaning	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.5.34 Public Communications Use	N	N	N	N	N	N	N	N	N	BA ⁹	BA ⁹	BA ⁹	N
4.1.5.35 Educational Use, Non-Exempt	N	N	N	N	N	N	N	BA	BA	Y	Y	Y	Y
4.1.5.36 Contractor's Yard	N	N	N	N	N	N	N	N	N	BA	BA	N	N
4.1.6 INDUSTRIAL USES													
4.1.6.1 Earth Material Movement per Section 7.1 ¹⁰	BA	BA	BA	N	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	BA	N
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y
4.1.6.8 Self-Storage or Mini-Storage Facility	N	N	N	N	N	N	N	N	N	BA	BA	BA	N

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.7 OTHER USES													
4.1.7.1 Pay-to-Park Outdoor Parking Facility	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	N
4.1.7.2 Parking Garage	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.7.3 Drive-Through Service	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA
4.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

4.2 NOTES FOR TABLE OF PRINCIPAL USES

- 1 Accessory dwellings may be allowed to the extent expressly allowed by the special permit.
- 2 Non-exempt farm stands on municipal properties are permitted and exempt from BA special permit requirements.
- 3 Retail sales and services in the Industrial and Industrial-Office Districts between 15,000 square feet and 50,000 square feet shall require a special permit from the Board of Appeals. Retail sales and services over 50,000 square feet shall require only a special permit from the Planning Board pursuant to Section 7.2, Major Business Development.
- 4 For only retail sales and services in the Local Business Districts that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses or live animals.
- 5 For only retail sales and services in the Highway Business District that do not require a special permit pursuant to other sections of the Bylaw and do not involve Adult Uses.
- 6 A Restaurant (which does not include a Fast Order Food Establishment) in the Industrial and Industrial-Office Districts less than 10,000 square feet is a permitted use. A restaurant of more than 10,000 square feet shall require a special permit from the Board of Appeals.
- 7 In addition to meeting all other requirements for a special permit for a Fast Order Food Establishment in the Highway Business District, the Applicant shall be required to submit the opinion of a qualified professional expert, and the data upon which such opinion is based, showing to the reasonable satisfaction of the Board of Appeals that the facilities for on-site parking (taking into account all other uses and activities that share the premises with the proposed use) will be sufficient to serve the employees and customers of such establishment without encroaching upon or using neighboring streets or property.
- 8 A special permit from the Board of Appeals shall be required if there is outdoor storage of equipment or materials.
- 9 Does not include wireless communications facilities.
- 10 The Planning Board shall be the Special Permit Granting Authority for an Earth Material Movement special permit application in connection with 1) the construction of streets and the installation of municipal services as shown on a subdivision plan; or 2) a plan submitted pursuant to Section 7.2, Major Business Development (MBD), Section 7.3, Environmental Impact Design Review (EIDR), Section 8.5, Senior Residential Development (SRD), Section 9.5, Flexible Multiple Use Overlay District (FMUOD), or Section 9.7, Upper Story Residential Overlay District (USROD).

¹¹ Open Space Residential Development shall be permitted in the SRB, SRC and SRE districts and the uses delineated in Article 8.0, Special Residential Development, Section 8.3, Open Space Residential Development, shall be the allowed uses in OSRD projects.

4.3 ACCESSORY USES

4.3.1 **Table of Accessory Uses.** The Table of Accessory Uses designates which Accessory Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter “Y”.

A Use is prohibited in any district under which it is denoted by the letter “N”.

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters “BA”.

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters “PB”.

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.2 ACCESSORY USES IN ALL DISTRICTS													
4.3.2.1 Any use allowed in that district as a Principal Use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.3.2.2 Any use allowed in that district by special permit as a Principal Use, subject to the same conditions as a Principal Use.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.3 Uses, whether or not on the same premises as uses permitted as of right, accessory to uses permitted as of right, which are necessary in connection with scientific research or scientific development or related production.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.2.4 When associated with otherwise permitted agricultural operations on a lot with not more than five (5) acres, the following: (1) kennel, (2) salesroom or stand, (3) any building or structure devoted to productive agricultural use which, together with any other such buildings or structures on the premises, covers more than five hundred (500) square feet or contains more than five thousand (5,000) cubic feet.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
4.3.3 ACCESSORY USES IN RESIDENTIAL DISTRICTS													
4.3.3.1 Private garage for not more than three (3) motor vehicles including not more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.2 Private garage and/or the parking or storage area of more than three (3) motor vehicles, or of more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds, but only where in connection with a Principal Use on the same premises.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.3 Private greenhouse, stable, tool shed, playhouse, tennis court, swimming pool, or other similar building or structure for domestic use. Swimming pools shall be enclosed as required by the Massachusetts State Building Code, as amended from time to time.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.4 Raising or keeping of animals as pets by the resident of the premises.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.5 Renting of rooms by a resident owner, or the furnishing of table board in a dwelling by the resident owner, to not more than three (3) persons other than members of the family.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.6 Home Occupation pursuant to Section 4.4.1	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.3 ACCESSORY USES IN RESIDENTIAL DISTRICTS, CONTINUED													
4.3.3.6 Home Occupation pursuant to Section 4.4.1	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.7 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of less than thirty (30) feet length; one (1) inoperative passenger vehicle which has not been partially or wholly dismantled.	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.8 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one (1) unoccupied recreational vehicle of thirty (30) feet length or more.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.9 Kennel or animal clinic or hospital, if located on the same premises as a dwelling unit and conducted by a resident thereof.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.11 The use by a resident builder, carpenter, painter, plumber or other artisan for incidental work and storage in connection with this off-premise trade, subject to the conditions in Section 4.4.1.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.12 Accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, subject to the conditions in Section 4.4.2.	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.13 Family Day Care, Large	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.3.14 Family Day Care, Small	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.15 Adult Day Care Facility for no more than twenty (20) adult clients and operated by the owner of the premises	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N
4.3.4 ACCESSORY USES IN ALL NONRESIDENTIAL DISTRICTS													
4.3.4.1 Living quarters for necessary caretakers and watchmen	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.3.4.2 Transient accommodations for business visitors to the premises	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
4.3.4.3 Retail Take-out Counter	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5 ACCESSORY USES IN INDUSTRIAL AND ARO DISTRICTS													
4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines dispensing food, soft drinks and incidental merchandise items; provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.	N	N	N	N	N	N	N	N	N	N	Y	Y	BA ¹
4.3.5.2 Display and sale of products of manufacturing activities conducted on the premises.	N	N	N	N	N	N	N	N	N	N	Y	Y	N
4.3.5.3 Operations required to maintain or support any uses permitted in the Industrial District, if conducted on the same lot as the permitted use, such as maintenance and machine shops, power plants and keeping of animals.	N	N	N	N	N	N	N	N	N	N	Y	Y	N
4.3.5.4 Parking Garage ²	N	N	N	N	N	N	N	N	N	Y	Y	Y	BA

4.4 NOTES FOR TABLE OF ACCESSORY USES

- ¹ Provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.
- ² The total square feet of floor space within a parking garage as an accessory use shall not be included in the calculation of Floor Area Ratio.

4.4.1 **Home Occupations.** Home Occupations may be permitted subject to the conditions below:

- 4.4.1 Not more than two (2) persons other than the residents of the premises shall be regularly employed thereon in connection with such use;
- 4.4.2 No stock in trade shall be regularly maintained except for products of the occupation itself, or for goods or materials customarily used incidental to its performance;
- 4.4.3 Such use shall not produce noise or other effects observable at the lot lines in amounts exceeding those normal to residential property;
- 4.4.4 No external change shall be made which alters the residential appearance of the buildings or structures on the premises; and
- 4.4.5 There shall be no exterior display or other outward evidence that the premises are being used for any purpose other than residential (except for a sign as herein permitted).

4.4.2 **Accessory Apartments.** Accessory Apartments are subject to the following conditions:

- 4.4.2.1 The principal dwelling or accessory building or structure to be altered or constructed to include an accessory apartment shall be a single-family dwelling or building accessory thereto.
- 4.4.2.2 The principal dwelling or accessory building or structure to be altered or constructed to include an accessory apartment shall maintain the appearance of a single-family structure.
- 4.4.2.3 The accessory apartment shall contain not less than five hundred (500) square feet of floor area, and the floor area of the accessory apartment shall not exceed either thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling is not changed or twenty-four percent (24%) in other cases. In no case shall the accessory apartment exceed nine hundred (900) square feet.

- 4.4.2.4 Adequate provision shall be made for the disposal of sewage, waste and drainage to be generated by the occupancy of the accessory apartment, in accordance with the requirements of the Board of Health.
- 4.4.2.5 Adequate provision shall be made for ingress and egress to the outside from the accessory apartment.
- 4.4.2.6 All stairways to second or third stories shall be enclosed within the exterior walls of the building in which the accessory apartment is located.
- 4.4.2.7 Off-street parking shall be provided for each automobile used by an occupant of the principal dwelling and/or the accessory apartment.
- 4.4.2.8 No parking space shall be located within a street right-of-way.
- 4.4.2.9 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space.
- 4.4.2.10 Where there are more than two (2) outdoor parking spaces, they shall be screened with evergreen or dense deciduous plantings, walls or fences or a combination thereof or other similar barriers. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.
- 4.4.2.11 There shall be no more than one (1) accessory apartment per lot.
- 4.4.2.12 The owner of the premises on which the accessory apartment is located shall occupy either the principal dwelling or the accessory apartment. For purposes of this Section, the owner shall be one or more individuals who constitute a family, who holds title to the premises directly or indirectly, and for whom the dwelling is the primary residence for voting and tax purposes. An affidavit certifying such owner occupancy shall be filed with the Building Commissioner upon initial occupancy and every four years thereafter.
- 4.4.2.13 A special permit issued pursuant to this Section shall automatically become null and void upon the expiration of ninety (90) days following such time as neither the principal dwelling nor the accessory apartment is occupied as the primary residence of the owner thereof for voting and tax purposes.
- 4.4.2.14 No accessory apartment shall be constructed without the issuance of a building permit by the Building Commissioner. No use as an accessory apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Commissioner, shall be in effect. A certificate of

occupancy shall not be issued unless the Building Commissioner determines that the accessory apartment is in conformity with the provisions of this Section and any special permit issued therefor.

- 4.4.2.15 All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The maximum number of special permits to be issued and in effect shall not exceed one percent (1%) of the current number of dwelling units in Town.
- 4.4.2.16 There shall be no renting of rooms and/or the furnishing of table board on premises containing an accessory apartment authorized hereunder.

4.5 NONCONFORMING USES AND STRUCTURES

- 4.5.1 **Applicability.** This Section shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. Chapter 40A, Section 5 at which this Bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.
- 4.5.2 **Nonconforming Uses.** The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:
 - 4.5.2.1 Change or substantial extension of the use.
- 4.5.3 **Nonconforming Structures.** The Board of Appeals may grant a special permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:
 - 4.5.3.1 Reconstructed, extended or structurally changed.
 - 4.5.3.2 Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.
- 4.5.4 **New or Expansion of Nonconformity.** The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required setback, shall require

the issuance of a special permit from the Board of Appeals.

- 4.5.5 **Nonconforming Single and Two-Family Residential Structures.** Nonconforming single and two-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:
- 4.5.5.1 Alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient lot area, where the alteration will also comply with all of said current requirements.
 - 4.5.5.2 Alteration to a structure which complies with all current setback, yard, building coverage and building height requirements but is located on a lot with insufficient lot frontage, where the alteration will also comply with all of said current requirements.
 - 4.5.5.3 Alteration to a structure which encroaches upon one (1) or more required setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements regardless of whether the lot complies with current lot area and lot frontage requirements.
 - 4.5.5.4 Alteration to the side or face of a structure which encroaches upon a required setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure regardless of whether the lot complies with current lot area and lot frontage requirements.
 - 4.5.5.5 Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.
- 4.5.6 **Special Permit.** In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
- 4.5.7 **Abandonment or Non-use.** A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Bylaw.

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

4.5.8.1 Reconstruction of said premises shall commence within one (1) year after such catastrophe or demolition.

4.5.8.2 The building as reconstructed shall:

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

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of twenty-five (25) feet regardless of whether the lot complies with current lot area and lot frontage requirements.

4.5.8.3 In the event that the proposed reconstruction does not meet the provisions of Sections 4.5.8.1 and 4.5.8.2, a special permit shall be required from the Board of Appeals for such demolition and reconstruction.

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

SECTION 5.0 DIMENSIONAL REQUIREMENTS

5.1 GENERAL

In all Districts, no building or structure, except a one-story accessory building or structure of accessory use, shall be constructed on a lot unless said building or structure and lot are in conformance with the “Dimensional Requirements” specified in the table of Dimensional Requirements set forth herein for the district in which said building or structure and lot are located and no more than one building or structure constructed as a dwelling, or so used, shall be located on each such lot except as may otherwise be provided herein. In all Districts, no building or structure (except for a flag, utility or light pole) or swimming pool shall be constructed so as to be nearer to the street line or nearer to the side lines or rear line of its lot unless its location is in conformance with said Table. Nothing herein shall prevent the projection of eaves, chimneys or cornices not exceeding eighteen (18) inches in width, or of uncovered steps, window sills or belt courses into any minimum setback distances or other open space.

In the case of an Open Space Residential Development project proposed under sub-article 8.3 in this bylaw, the dimensional and density requirements established therein shall take precedence over those established in Section 5.2, TABLE OF DIMENSIONAL REQUIREMENTS for purposes of increased design flexibility and enhanced open space preservation.

5.2 TABLE OF DIMENSIONAL REQUIREMENTS¹

	DISTRICTS		DIMENSIONAL REQUIREMENTS							
	Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area² (sq ft)	Minimum Front Setback³ (feet)	Minimum Side Yard Setback⁴ (feet)	Minimum Rear Yard Setback⁴ (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)	
5.2.1	SRA	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.2	SRB¹³	20,000	90	90	15,000	25	15 ⁵	30 ⁶	25	50
5.2.3	SRC¹³	40,000	125	125	30,000	40	20 ⁷	30 ⁸	25	50
5.2.4	SRD	15,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.5	SRE¹³	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.6	GR	12,000	90	90	12,000	25	15 ⁵	30 ⁶	25	50
5.2.7	SR	80,000	175	175	60,000	40	20 ⁷	30 ⁸	25	50
5.2.8	LBA	4,000	40	40	4,000	40	15 ⁹	15	25	80
5.2.9	LBB	4,000	40	40	4,000	25	15 ⁹	15	25	80
5.2.10	HB	10,000	100	100	10,000	50	15	15	50	80
5.2.11	I	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.12	IO	40,000	200	200	12,000	50	15 ¹⁰	15 ¹¹	50	80
5.2.13	ARO	80,000	175	175	60,000	50	30 ¹²	30	30	50

5.3 NOTES FOR TABLE OF DIMENSIONAL REQUIREMENTS

- 1 Shall not apply to sewage pumping stations operated by the Town.
- 2 The term “Nonwetland Area” shall mean land other than the fresh water wetland as that term is defined in M.G.L. Chapter 131, Section 40. The Minimum Nonwetland Area shall be measured in contiguous square feet. The Minimum Nonwetland Area requirement of 12,000 square feet in all Residential Districts shall apply to all lots created prior to the date of adoption of this provision. M.G.L. Chapter 40A, Section 6 may also limit the requirements for certain other lots.
- 3 The minimum front setback distance shall be measured from the nearest street line; provided, however, that where the street has a right-of-way width of less than forty (40) feet, the setback distance shall be measured from a line on the lot twenty (20) feet from and parallel to the center line of said street.
- 4 The minimum side yard and rear yard setbacks shall be the minimum horizontal distance from the lot line to the nearest point of a building or structure.
- 5 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least seventy-five (75) feet shall be set back a minimum of three (3) feet from the side lines of its lot.
- 6 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of three (3) feet from the rear line of its lot.
- 7 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of fifteen (15) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least one hundred (100) feet shall be set back a minimum of six (6) feet from the side lines of its lot.
- 8 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of six (6) feet from the rear line of its lot.
- 9 Unless the wall facing a side lot line is either a party wall or, if adjoining another lot in the same district, a wall with its outer face coincident with such line. The space between buildings or structures, if any, shall not be reduced to less than fifteen (15) feet.
- 10 Except that if the side yard abuts a railroad right-of-way, there shall be no minimum side yard setback.
- 11 Except that if the rear yard abuts a railroad right-of-way, there shall be no minimum rear yard setback.

¹² Each side yard setback shall be increased by one (1) foot for each foot that the height of the building exceeds fifteen (15) feet; provided always that the side yards shall total not less than forty (40) percent of the lot width.

¹³ See Section 8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT for density and dimensional requirements for OSRD.

5.4 HEIGHT REGULATIONS

5.4.1 **Building/Structure Heights.** In all Districts, no building or structure shall be constructed so as to exceed in height the “Maximum Height” specified in the following table for the district in which said building is located

DISTRICT	MAXIMUM HEIGHT
5.4.1.1 Single Residence General Residence	Twenty-five (25) feet plus one (1) foot for each additional foot by which: (i) the front setback exceeds the minimum front setback distance, or (ii) the narrower side yard exceeds the minimum side yard setback distance, or (iii) the rear yard exceeds the minimum rear yard setback distance, whichever of the three additional distances is the smallest; provided the height shall not in any case exceed thirty-five (35) feet.
5.4.1.2 Special Residence	Thirty-five (35) feet and a maximum of two (2) stories unless the topography of the land permits three (3) stories provided that at least two (2) stories have entrances at ground level and all dwelling units have at least one (1) exterior wall entirely above ground level.
5.4.1.3 Local Business A and B	Thirty-six (36) feet.
5.4.1.4 Industrial	Seventy (70) feet and a maximum of five (5) stories; provided that the height shall not in any case exceed an elevation of one hundred seventy-eight and one-half (178½) feet above sea level.
5.4.1.5 Industrial-Office	Forty-two (42) feet and a maximum of three (3) stories unless a special permit authorizing a greater height is granted by the Planning Board; provided that no more than sixty

<p>5.4.1.6 Highway Business Administrative-Research-Office (except Residential Retirement Community)</p>	<p>percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories and in no event shall any building or other structure exceeding sixty-five (65) feet in height be authorized. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings. In determining whether to grant such a special permit, the Planning Board shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw. Any additional height which is allowed in an Industrial District by special permit shall be designed to relate harmoniously to the terrain and to the use, scale and architecture of existing buildings and to mitigate the visual impacts on surrounding non-industrial uses. The project proposal shall incorporate aesthetically-conscious design which promotes environmentally compatible uses, pervious surfaces and landscaped areas in exchange for the additional building height.</p> <p>Thirty-nine (39) feet unless a special permit authorizing a greater height is granted by the Board of Appeals; provided that in no event shall any building or other structure exceeding forty-five (45) feet in height be authorized. In determining whether to grant such a special permit, the Board of Appeals shall evaluate the proposed building or other structure in terms of the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw.</p>
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5.4.2 **Height Determination and Exceptions.** In all Districts, the height of a building or structure shall be measured as set forth in the Massachusetts State Building Code, except that in Residential Districts, the height of a building or other structure shall be measured from the highest finished ground elevation adjoining the structure at the exterior walls. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five

percent (25%) of the area of the roof of the building or other structure and are not used in any way for human occupancy.

5.5 SPECIAL DIMENSIONAL REGULATIONS

- 5.5.1 Exception for Existing Lots.** Any increase in area, frontage, width and yard requirements of this Bylaw shall not apply to a lot for single-family and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage. The provisions of this Subsection shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the Zoning Bylaw in effect.
- 5.5.2 Lot Shape Requirement for Residential Districts.** Lots in residential districts shall provide satisfactory sites for buildings in relation to their natural topography, and shall to the extent feasible, be generally rectangular in shape. Lots shall not contain irregular shapes or elongations solely to provide necessary square footage. Any new lot created by a subdivision plan shall have a Shape Factor of fifty (50) or less, where the Shape Factor shall be calculated using the following formula: $SF = P^2/A$ where P = the perimeter of the lot and A = the area of the lot. The Planning Board may waive the requirements of this section when, in its determination, the strict application of such requirements would result in peculiar or exceptional difficulties, and the waiver of such requirements would pose no substantial detriment to any adjacent property or proximate neighborhood, and would not nullify or substantially derogate from the intent or purpose of this Section.
- 5.5.3 Plan Freeze.** If a definitive plan, or a preliminary plan, followed within seven (7) months by a definitive plan is submitted to the Planning Board for approval under the Subdivision Control Law, and written notice of such submission has been given to the Town Clerk before the effective date of the Bylaw, the land shown on such plan shall be governed by the applicable provisions of the Bylaw, if any, in effect at the time of the first such submission while such plan or plans are being processed under the Subdivision Control Law, and, if such definitive plan or an amendment thereof is finally approved, for eight (8) years from the date of the endorsement of such approval.
- 5.5.4 Reduction of Occupied Lots.** No lot on which a building or structure is located in any district shall be reduced or changed in size or shape so that the building or structure or lot fails to comply with the lot area, frontage, coverage, setback, yard or other provisions of this Bylaw applicable to the construction of said building or structure on said lot. This prohibition shall not apply when a portion of the lot is taken or conveyed for a public purpose. This Subsection shall not apply to a sewage pumping station operated by the Town.
- 5.5.5 Corner Clearance.** No building or structure shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines which are twenty-five (25) feet from their point of intersection (or, in the case of a

rounded corner, from the point of intersection of their tangents), and no other building or structure, no tree, shrub or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility around the corner.

5.5.6 **Uses within Setbacks.** No open storage or display of goods, products, materials or equipment, including motor vehicles, gasoline pumps, vending machines or similar commercial devices shall be located nearer than fifteen (15) feet to the street line.

5.5.7 **Creation of Ways.** Subject to the provisions of Section 5.5.7, no way created pursuant to the Subdivision Control Law shall be closer than forty (40) feet to any lot line of any lot situated outside the subdivision with respect to which such way is created, at any point that is farther than forty (40) feet from an existing street right-of-way. This Subsection shall not apply to ways in a proposed subdivision of any lot (separated in ownership from any adjoining lot having frontage on a street) which at the time of adoption hereof has street frontage of at least forty (40) feet but less than eighty (80) feet, and shall apply only to one side of such ways in the case of a proposed subdivision of any lot (separated in ownership as aforesaid) which at such time has street frontage of at least eighty (80) feet but less than one hundred twenty (120) feet.

5.5.8 **Special Permit.** The Planning Board may grant a special permit authorizing a proposed way location at variance with the provisions of Section 5.5.6 if it finds in addition to any other findings required under this Bylaw, that the issuance of a special permit

5.5.8.1 would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Bylaw;

5.5.8.2 would reduce the environmental impacts of the proposed project;

5.5.8.3 would enhance the aesthetic quality of the proposed project; and

5.5.8.4 would be consistent with sound engineering practices or the interests of public safety.

SECTION 6.0 GENERAL REGULATIONS

6.1 OFF-STREET PARKING

6.1.1 **General.** No use or premises shall be made, authorized or extended, and no building or structure shall be erected or enlarged, unless there is provided for such use or extension, or for such building erection or enlargement, on the same lot as said use, extension, erection or enlargement, a parking area and loading and unloading spaces all with permanent surfacing (except in the case of a single residence), sufficient to serve the business conducted thereon, including provision for parking spaces for visitors, and for all persons employed in the building or in connection with said use without using adjacent streets therefor. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question. In Nonresidential Districts, no parking, loading and/or unloading area shall be so designed or located as to render necessary the backing of vehicles from such area onto a street.

6.1.2 **Table of Parking Requirements.** The following table of Minimum Number of Required Parking Spaces for Principal Uses sets forth minimum parking space requirements, provided, however, that fewer parking spaces may be authorized upon the grant of a special permit by the Planning Board in compliance with the provisions of this Section.

PRINCIPAL USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
6.1.3 RESIDENTIAL USES	
6.1.3.1 Single-Family Dwelling 6.1.3.2 Conversion of One-Family Dwelling to Two-Family Dwelling per Section 8.1 6.1.3.3 Two-Family Dwelling per Section 8.2	Two (2) spaces per dwelling unit
6.1.3.4 Senior Residential Development per Section 8.5	One and a half (1½) off-street spaces per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof
6.1.3.5 Residential Retirement Community per Section 8.6	One and a half (1½) spaces per dwelling unit
6.1.3.6 Nursing or Convalescent Home 6.1.3.7 Assisted Living Residence	One (1) space per each sleeping room for double or single occupancy, or where not so divided (as in a dormitory) one (1) space for each two beds
6.1.4 EXEMPT AND INSTITUTIONAL USES	
6.1.4.1 Use of land or structures for religious purposes	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, in principal assembly area

6.1.4.2 Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per employee
6.1.4.3 Child Care Facility in new building 6.1.4.4 Child Care Facility in existing building	One (1) space per employee and two (2) spaces per classroom
6.1.4.5 Agricultural Use, Exempt 6.1.4.6 Municipal Facilities	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
6.1.4.7 Farm Stand, Exempt	One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to selling, storage, service and all other activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises
6.1.4.8 Essential Services 6.1.4.9 Public Utility	One (1) space per employee
6.1.4.10 Extension of existing cemetery	Not applicable
6.1.5 COMMERCIAL USES	
6.1.5.1 Retail sales and services, less than 15,000 square feet 6.1.5.2 Retail sales and services, 15,000 square feet or more 6.1.5.3 Office of doctor or dentist not a resident on premises 6.1.5.4 Bank, Financial Institution 6.1.5.5 Personal Services Establishment 6.1.5.6 General Services Establishment 6.1.5.7 Farm Stand, Non-exempt 6.1.5.8 Animal Clinic or Hospital 6.1.5.9 Kennel, Commercial 6.1.5.10 Building Trade Shop in an establishment with less than 8,000 square feet 6.1.5.11 Building Trade Shop in an establishment with 8,000 square feet or more	One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to selling, storage, service and all other activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises
6.1.5.12 Professional Services Establishment 6.1.5.13 Business Services Establishment	One (1) space for each three hundred thirty-three (333) square feet of floor area or fraction thereof devoted to activities related to such use, exclusive of cellar and basement areas used only for storage or services incidental to the operation or maintenance of the premises

<p>6.1.5.14 Motor Vehicle Sales and Rental; other open air sales 6.1.5.15 Motor Vehicle General Repairs and Body Repair 6.1.5.16 Motor Vehicle Light Service 6.1.5.17 Printing/copy/publishing establishment, less than 4,000 square feet 6.1.5.18 Printing/copy/publishing establishment, 4,000 square feet or more 6.1.5.19 Commercial laundry, dry cleaning, dye work, carpet cleaning</p>	<p>Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area</p>
<p>6.1.5.20 Funeral Home</p>	<p>One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench</p>
<p>6.1.5.21 Motel or Hotel on five (5) acres or more</p>	<p>One (1) space per each sleeping room for double or single occupancy</p>
<p>6.1.5.22 Restaurant without entertainment, less than 10,000 square feet 6.1.5.23 Restaurant with entertainment, 10,000 square feet or more 6.1.5.24 Restaurant with entertainment</p>	<p>One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees</p>
<p>6.1.5.25 Coffee Shop 6.1.5.26 Ice Cream Parlor 6.1.5.27 Fast Order Food Establishment</p>	<p>One (1) space per each four (4) seats, or where benches are used, one (1) space per eight (8) lineal feet of bench, plus one (1) space per two (2) employees, plus three (3) spaces per take-out station</p>
<p>6.1.5.28 Agricultural Use, Non-exempt 6.1.5.29 Commercial Recreation, Outdoor 6.1.5.30 Commercial Recreation, Indoor 6.1.5.31 Golf Course 6.1.5.32 Campground, wildlife preserve, fishing grounds operated not for profit 6.1.5.33 Major Business Development per Section 7.2 6.1.5.34 Public Communication Use 6.1.5.35 Educational Use, Non-Exempt 6.1.5.36 Contractor's Yard</p>	<p>Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.</p>
<p>6.1.6 INDUSTRIAL USES</p>	
<p>6.1.6.1 Light Manufacturing 6.1.6.2 Warehouse, wholesale or distribution facility without outdoor storage 6.1.6.3 Warehouse, wholesale or distribution facility with outdoor storage 6.1.6.4 Manufacturing 6.1.6.5 Research and Development 6.1.6.6 Self-Storage or Mini-Storage Facility</p>	<p>Not less than one (1) space for each two hundred fifty (250) square feet floor area in office use, one (1) space for each two thousand (2,000) square feet floor area in use for storage, and one (1) space for each five hundred (500) square feet floor area in other uses, provided that there is reserved area on the site for potential future parking expansion to not less than one (1) space per five hundred (500) square feet of floor area</p>

6.1.6.7 Earth Material Removal per Section 7.1	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
6.1.6.8 Junkyard or Automobile Graveyard	Not applicable
6.1.7 OTHER USES	
6.1.7.1 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years	Sufficient parking spaces to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients, or visitors of the premises, as determined by the Planning Board. Such space shall be deemed inadequate if the off-street parking area is often substantially full and there is frequent parking of such vehicles in access drives or on streets near the premises in question.
6.1.7.2 Commercial outdoor parking 6.1.7.3 Parking Garage 6.1.7.4 Drive-Through Service	Not applicable

6.1.8 Reduction of Required Minimum Number of Parking Spaces.

6.1.8.1 If an Applicant has obtained all other necessary zoning permits and approvals, the Planning Board may, subject to the provisions of this Section, grant a special permit that would authorize a reduced number of parking spaces than would otherwise be required by this Section where it can be demonstrated by such Applicant that the proposed use does not warrant the number of parking spaces otherwise required, provided that the number of parking spaces otherwise required by this Section could be accommodated on the site should the use, or the intensity or character of the use, of the premises ever be changed so that additional parking spaces were needed, and provided further that the continued availability for such purpose of land on the site be assured in a manner satisfactory to the Planning Board. Nothing herein shall be deemed to authorize a special permit waiving strict adherence to parking design requirements or parking space, passageway or driveway dimensional requirements.

6.1.8.2 A special permit to authorize a reduced number of parking spaces shall be granted by the Planning Board only upon its written determination that, in addition to any other findings required under this Bylaw, it finds the following:

- 6.1.8.2.1 That the particular use proposed does not warrant the minimum number of parking spaces otherwise required under this Section;
- 6.1.8.2.2 That the issuance of a special permit would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of this Bylaw; and
- 6.1.8.2.3 That the issuance of a special permit would reduce the environmental impact and enhance the aesthetic quality of the proposed project.
- 6.1.8.3 A special permit granted pursuant to this Section shall provide for an increase in the number of parking spaces up to the minimum number otherwise required by this Section if there is a change in use or in the intensity or character of use that results in an increased parking need as determined by the Planning Board. The special permit shall be granted upon such conditions as the Planning Board may deem appropriate in carrying out the provisions of this Section.
- 6.1.8.4 In no event shall the total floor area of the building or structure be greater than that which would be permitted absent the grant of a special permit pursuant to this Section.
- 6.1.9 **Joint Off-Street Parking in Nonresidential Non-Industrial Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same lot or on contiguous lots all in one ownership, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses.
- 6.1.10 **Joint Off-Street Parking in Industrial and Industrial-Office Districts.** Joint off-street parking facilities may be provided for two or more separate buildings or uses on the same lot or on lots in one or separate ownership, but in such case the total number of parking spaces required shall be the sum of the parking spaces required for the individual buildings or uses. The shared joint off-street parking spaces shall be located on contiguous lots or on lots that are within six hundred (600) feet walking distance of the building entrance to be served. The permanent availability of said parking spaces must be adequately documented by the use of either a permanent easement, fee ownership of the off-street parking spaces or a long-term lease. The Planning Board may grant a special permit to reduce the total number of joint off-street parking spaces required pursuant to this Subsection upon the written determination that it finds the following:
 - 6.1.10.1 the demand for the shared joint off-street parking spaces differs significantly by time of day according to use; and

- 6.1.10.2 the shared joint off-street parking spaces are not dedicated to another use during the time of day that the parking is required.
- 6.1.11 **Off-Site Municipal Parking.** Where an existing property in a Nonresidential District does not meet the minimum parking requirements for a permitted use, off-site municipally-owned parking spaces not dedicated to another use may be used to meet the minimum parking requirements, provided (a) such spaces are located within four hundred (400) feet walking distance of the building entrance to be served and (b) the Board of Selectmen or its designee documents to the Building Commissioner that there is in fact sufficient capacity in the municipal lot to accommodate the excess parking required. Such off-site parking shall not be used to accommodate increased parking requirements due to new construction and/or expansion of existing buildings or structures.
- 6.1.12 **Special Provisions in Residential Districts.** Any off-street parking located in a Residential District (whether herein required or voluntarily provided) containing five (5) or more parking spaces shall be placed at least twenty-five (25) feet from all street lines and ten (10) feet from side and rear lot lines and shall, if visible at normal eye level from any point on an abutting lot (if also in a Residential District), be screened from such view pursuant to Section 6.3.6, Screening Standards.
- 6.1.13 **Storage of Inoperative Vehicles and Commercial Vehicles.** Except in the case of a lot used for municipal purposes, and except as allowed in a Nonresidential District pursuant to a permit issued at the discretion of the Board of Selectmen, no motor vehicle which is, and for the immediately preceding thirty-one (31) day period, has been dismantled or inoperative shall be stored or parked in any district, and no commercial vehicle (whether or not operative and registered) of a gross vehicle weight in excess of eight thousand five hundred (8,500) pounds or more than twenty (20) feet in length shall be stored or parked overnight in any Residential District unless such vehicle is not visible at normal eye level from any point on any abutting lot in a Residential District, or if screened from such view pursuant to Section 6.3.6, Screening Standards. None of the foregoing shall be construed to permit any parking or storage of vehicles that would otherwise be in violation of the Use Regulations set forth in Section 4.0 of this Bylaw.
- 6.1.14 **Replacement, Alteration, Enlargement or Change of Use of a Building or Structure.** The replacement, alteration, enlargement or change of use of a building or structure which results in an increased off-street parking requirement shall require the provision of additional off-street parking.
- 6.1.15 **Design of Parking Areas.** Except in the case of single residences, all parking areas shall be designed in conformity with the requirements of this Bylaw and parking regulations adopted and from time to time amended by the Planning Board.
- 6.1.16 **Parking Areas with Fewer Than Ten Parking Spaces.** Parking lots designed for fewer than ten (10) parking spaces shall provide such landscaping as may be required under Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements.

6.1.17 **Parking Areas for Ten or More Parking Spaces.** The following requirements shall apply to all new parking areas containing ten (10) or more parking spaces, and to existing parking areas containing ten (10) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review. Any additional requirements set forth in Section 6.3 of this Bylaw pertaining to enclosure, screening and buffering requirements shall also apply.

6.1.17.1 **Landscape Design Requirements.** All parking areas applicable to this section shall conform to the following design requirements:

6.1.17.1.1 **Areas Adjacent to Buildings.** Landscaped areas at least five (5) feet in depth shall be provided adjacent to buildings on every side of such buildings that has a public access point, and shall contain trees and shrubs.

6.1.17.1.2 **Perimeter Planting Areas.** Parking lots shall be bordered on all sides, exclusive of driveways, with a minimum five (5) foot wide planting area, within which trees shall be spaced not more than twenty-seven (27) feet on center and no tree shall be planted less than two (2) feet on center from curbing or sidewalks. In all cases, plantings shall be located so as not to obstruct vehicle sight distances, entrances and exits.

6.1.17.2 **Additional Requirements for Parking Areas for Forty or More Parking Spaces.** The following additional requirements shall apply to all new parking areas containing forty (40) or more parking spaces, and to existing parking areas containing forty (40) or more parking spaces which are being subjected to Section 7.3 of this Bylaw pertaining to Environmental Impact and Design Review.

6.1.17.2.1 **Landscaped Islands.** Landscaped islands shall be located so as to divide a parking lot into sections not exceeding one hundred forty (140) cars per section, to provide visual relief, shade, and wind interruption within the parking area, and to assure safe patterns of internal circulation. Landscaped islands shall be either divider islands or terminal islands, or a combination thereof. Divider islands are defined as landscaped islands along the length of one or more rows. Terminal islands are defined as landscaped islands within or at the end of one or more rows.

6.1.17.2.1.1 **General Standards.** Each landscaped island shall have a minimum area of one hundred fifty (150) square feet and shall consist of pervious landscaping. Curbing, at least six (6) inches in height, shall surround each landscaped island as protection from vehicles. No tree shall be planted less than four (4) feet on center from curbing.

6.1.17.2.1.2 **Standards for Divider Islands.** The following additional design standards shall apply to divider islands:

- a. At least one (1) divider island shall be provided for every four (4) parallel rows of parking.
- b. Trees shall be spaced not more than twenty-seven (27) feet on center.
- c. At least one (1) shrub shall be provided for every five (5) linear feet, or one (1) shrub per thirty-five (35) square feet of ground area, whichever results in a greater number of shrubs.

6.1.17.2.1.3 **Standards for Terminal Islands.** The following additional design standards apply to terminal islands:

- a. Terminal islands shall be used either (1) to separate parking spaces from driveways and other vehicular travel lanes, or (2) to break up large numbers of parking spaces in a single row of spaces.
- b. Terminal islands shall be provided at the ends of rows of parking where such rows are adjacent to driveways or vehicular travel lanes. In addition, terminal islands shall separate groups of parking spaces in a row, such that no continuous line of adjoining spaces contains more than twenty-five (25) parking spaces.
- c. Terminal islands shall contain at least one (1) tree and at least two (2) trees when abutting a double row of parking spaces.
- d. Terminal islands shall contain evergreen shrubs planted three (3) feet or less on center, in order to prevent damage due to pedestrian traffic.

6.1.17.2.1.4 **Impervious Surface.** A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas.

6.1.17.3 **Landscape Materials.** All planted trees shall be of a species tolerant of conditions generally found in a parking lot, and shall have a minimum caliper size of four (4) inches (measured four feet above grade level). Shrubs shall be a mix of deciduous and evergreen varieties, tolerant of conditions generally found in a parking lot, and shall be at least twenty-four (24) inches in height at time of planting. To the fullest practicable extent, existing trees and vegetation shall be preserved. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover. Planting shall be done in accordance with proper landscaping practices. Trees, shrubs, grass and ground cover which die or become diseased shall be replaced by the property owner within six (6) months of such death or disease.

6.1.17.4 **Site Plan Requirements.** All parking areas applicable to this section shall be shown on a site plan which shall be prepared by a professional engineer or landscape architect and shall show the following:

6.1.17.4.1 Boundaries of the new or expanded parking area and all parking spaces, bicycle parking, loading areas, access and egress areas;

6.1.17.4.2 Existing topography, including any proposed grading changes;

6.1.17.4.3 Proposed storm drainage system and calculations of storm drainage runoff to demonstrate compliance with the stormwater management standards as adopted and amended from time to time by the Massachusetts Department of Environmental Protection;

6.1.17.4.4 Utilities, signage, outdoor storage and trash/recycling disposal areas;

6.1.17.4.5 Existing and proposed planting, landscaping and screening; and

6.1.17.4.6 Exterior lighting.

6.1.17.5 **Reduction of Landscaping Requirements.** The Planning Board may modify or reduce the requirements of Section 6.1.17 where in its judgment, for topographic or engineering reasons, these requirements could not reasonably be met.

6.1.18 **Parking Setback Requirements.**

6.1.18.1 There shall be no vehicle parking or loading areas within five (5) feet of any front, side or rear lot line.

6.1.18.2 In a Highway Business District, the fifteen (15) feet nearest the frontage street within the front setback shall be free of parking and service areas. Said distance shall be landscaped with trees and shrubs appropriate to the

area and the height and location of such landscaping shall be as required so as not to obstruct vehicular sight distances, entrances and exits.

- 6.1.19 **Edge of Parking Area.** A substantial bumper of masonry, steel, heavy timber or concrete curb shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.
- 6.1.20 **Handicapped Parking Spaces.** Designated parking spaces for the exclusive use of the physically handicapped shall be provided in accordance with the rules and regulations of the Architectural Access Board, as amended from time to time.
- 6.1.21 **Storage.** There shall be no storage of material or equipment within parking areas.
- 6.1.22 **Outdoor Sales.** No parking areas shall be used as an outdoor sales area.
- 6.1.23 **Driveways.** No access or egress point to a parking area shall be closer than one hundred fifty (150) feet to the centerline of an intersecting street. There shall be no more than a total of two (2) access and two (2) egress points to any one parking area.
- 6.1.24 **Entrance from Residential Streets to Nonresidential Districts.** Where a Residential District is bounded by a portion of a Nonresidential District, any side street extending through such Residential District into such Nonresidential District shall not be used, except as herein set forth for any business, commercial or other purpose not permitted as of right in such Residential District. Any nonresidential structure erected in said Nonresidential District shall face and open upon the street set aside for nonresidential purposes, except that show windows in such nonresidential structure may be built and exposed upon said side street within the area set aside as a part of such Nonresidential District, and an entrance may be made at the corner of such nonresidential and residential streets, and all other entrances to said nonresidential structure must face on the nonresidential street, except that in a Local Business District entrances may be made from such residential street to the upper stores of such nonresidential structure.
- 6.1.25 **Loading.** Adequate off-street loading facilities and space with unimpeded access shall be provided for all new construction and for all building additions greater than one hundred (100) square feet of net floor area. Facilities shall be so sized and arranged that no trucks shall be parked on a public way while loading, unloading or waiting to do so.
- 6.1.26 **Shared Driveways.** Use of land for shared driveways is permitted in all Districts, however, a shared driveway shall not be considered to adequately provide access for parking as required by this Bylaw on any lot for which a shared driveway is proposed as the sole means of access for parking unless the Planning Board so authorizes by special permit. Authorization shall be granted only if the Planning Board determines that the arrangement improves public safety, such as by reducing the number of curb cuts on a major roadway or by avoiding a driveway at a potentially dangerous location; or serves environmental protection, such as by eliminating a wetlands crossing, and that such an arrangement will be more advantageous to the neighborhood than separate driveways; and unless the Board further finds that the use of a shared driveway does not circumvent

the intent of the Subdivision Control Law. The Planning Board shall adopt and may from time to time amend rules and regulations for the administration of this Section.

6.2 SIGNS

6.2.1 **Purpose.** The purpose of this Section is as follows:

- 6.2.1.1 to promote the public safety and convenience of streets, highways, sidewalks and other pedestrian spaces, and public and private property within public view through the location, sizing, and aesthetics of signage;
- 6.2.1.2 to reduce distractions, hazards and obstructions from signage that will have an adverse impact on vehicular safety;
- 6.2.1.3 to discourage excessive visual competition in signage;
- 6.2.1.4 to ensure that signage will adequately aid communication and orientation, identify uses and activities, and express local history and character; and
- 6.2.1.5 to preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context.

6.2.2 **Definitions.** For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 2.0 of this Bylaw.

- 6.2.2.1 Awning Sign A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or other area or space.
- 6.2.2.2 Banner A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.
- 6.2.2.3 Billboard An off- premises sign which is either a freestanding sign larger than one hundred (100) square feet, or a wall sign covering more than ~~ten~~ fifteen percent (15%) of the area to which it is affixed.
- 6.2.2.4 Changeable Sign A sign whose wording, design, or appearance changes periodically, or whose illumination is not kept constant in intensity at all times or which exhibits changes in light, color, direction or animation.

- 6.2.2.5 Construction Sign An on-premises sign at a site under construction or to be developed to identify the contractor, architect, landscape architect and/or engineer’s name, address and other pertinent information.
- 6.2.2.6 Development Identification Sign A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.
- 6.2.2.7 Directional Sign A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. “No Parking”, “One Way”, “No Outlet”, and “Do Not Enter” are examples of directional signs.
- 6.2.2.8 Directory Sign A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.
- 6.2.2.9 Facade The exterior surface of a building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space owned or leased by the occupant of the building.
- 6.2.2.10 Flag A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature. Official flags of governmental jurisdictions properly displayed and decorative flags on residences shall not be considered as signs for the purposes of this Section.
- 6.2.2.11 Freestanding Sign A sign structurally separate from a building or structure that is attached to or part of a self-supporting structure.
- 6.2.2.12 Historic Designation Sign A sign listing only the date of origin, historic name, original owner, or official historic designation of a historic building or structure.
- 6.2.2.13 Illuminated Sign A sign illuminated by electricity or other artificial light including reflective or phosphorescent light and shall include the location of the source of illumination.
- 6.2.2.14 Internally Illuminated Sign A sign which utilizes translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through.
- 6.2.2.15 Landmark Sign An older sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Commission.

- 6.2.2.16 Marquee Sign A sign painted on, or attached to, a sheltering structure of permanent construction projecting from and totally supported by the wall and/or the roof of a building.
- 6.2.2.17 Moveable Sign A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs, sandwich signs and A-frame signs.
- 6.2.2.18 Municipal Sign A sign installed by the Town.
- 6.2.2.19 Off-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises, or the business transacted on a premises or advertises the property itself or any part thereof for sale or lease which is located elsewhere than the premises where the sign is maintained.
- 6.2.2.20 On-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises on which the sign is maintained, or the business transacted on a premises or advertises the property itself or any part thereof as for sale or lease.
- 6.2.2.21 Open House Sign A temporary sign announcing an open house during which an agent or owner will show property for sale or lease.
- 6.2.2.22 Projecting Sign A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that any part of said sign extends more than six (6) inches from the wall surface of that building or structure.
- 6.2.2.23 Real Estate Sign A temporary sign advertising property being sold or leased.
- 6.2.2.24 Roof Sign A sign erected, constructed and maintained wholly upon, connected to or over the roof, gutter line, top of wall coping or parapet of any building or structure.
- 6.2.2.25 Sign Any temporary or permanent lettering, word, numeral, billboard, pictorial representation, display, emblem, trademark, device, banner, pennant, insignia or other figure of similar character, located outdoors or visible outdoors, attached to, painted on, or in any other manner represented on a building or other structure, and which is used to announce, direct, attract, advertise or promote.
- 6.2.2.26 Special Events Sign A temporary sign that advertises a charitable, nonprofit or civic event.
- 6.2.2.27 Temporary Sign A sign that is used temporarily and is not permanently mounted. Posters, construction signs, seasonal business signs, real estate

signs, yard sale signs, special event signs, banner signs and open house signs are all considered to be temporary signs. Hand-held signs are excluded.

6.2.2.28 Video Media Display Any video display which is used to announce, direct, attract, advertise, or promote. Video media display shall not include displays used solely for the purpose of operating a device to conduct business on the premises, such as video display portions of ATM machines, gasoline dispensers, or vending machines.

6.2.2.29 Wall Sign A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.

6.2.2.30 Way Finding Sign A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. "Retail Center Parking", "Shuttle Bus Stop Ahead", "Exit to Providence Highway", "Additional Parking in Rear" are examples of way finding signs.

6.2.2.31 Window Sign A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

6.2.3 **Sign Permits.** No sign, including a temporary sign, shall be erected, displayed, altered or enlarged until a permit for such action has been issued by the Building Commissioner. Applications may be filed by the owner of the land, building or structure, or any person who has the authority to erect a sign on the premises. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems and location with all relevant measurements. The Building Commissioner shall act within thirty (30) days of receipt of such application and required fee. Sign permits shall be issued only if the Building Commissioner determines that the sign is in compliance with all provisions of this Section and the State Building Code. Notwithstanding the above, special event signs, historic designation signs, open house signs, real estate signs, and yard sale signs shall not require a sign permit.

6.2.4 **Signs Allowed in Residential Districts.** The following signs may be erected or maintained in Residential Districts provided such signs are in compliance with all conditions set forth in this Section: Wall signs and freestanding signs.

6.2.4.1 The maximum number of signs shall not exceed one sign for each lawful dwelling unit on the premises, indicating the name of the owner or occupant and/or the address of the building, plus one (1) additional sign

pertaining to a permitted accessory use, plus one (1) additional historic sign.

6.2.4.2 The maximum area of each sign shall not exceed one (1) square foot, except municipal signs.

6.2.4.3 The sign surface shall be wood or synthetic material made to resemble wood. The supporting framework shall be wood or granite, or synthetic material made to resemble wood or granite.

6.2.4.4 Notwithstanding the above limitations on number and area of signs, municipal directional signs and parking restriction signs, of any size, shall be permitted, and all other directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.5 Signs Allowed in Local Business A (LBA) and Local Business B (LBB) Districts.

The following signs may be erected or maintained in Local Business A and Local Business B Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs and window signs.

6.2.5.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign, plus one (1) additional historic sign.

6.2.5.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed seventy-five (75) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed twenty (20) square feet each.

6.2.5.3 The total square footage of all signs associated with any commercial establishment shall not exceed ten percent (10%) of the facade attributed to that commercial establishment.

6.2.5.4 The sign surface of any sign other than an awning sign shall be wood or synthetic material made to resemble wood. The supporting framework of any sign other than an awning sign shall be wood or granite, or synthetic material made to resemble wood or granite.

6.2.5.5 Notwithstanding the above limitations on number and area of signs, municipal directional signs and parking restriction signs, of any size, shall be permitted, and all other directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.6 Signs Allowed in Highway Business (HB), Industrial (I), Industrial Office (IO), and Administrative-Research-Office (ARO) Districts. The following signs may be erected or maintained in Highway Business, Industrial, Industrial Office, and Administrative-

Research-Office Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, development identification signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs, wayfinding signs, and window signs.

- 6.2.6.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.
- 6.2.6.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed one hundred (100) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed thirty (30) square feet each.
- 6.2.6.3 The total square footage of all signs associated with any commercial establishment shall not exceed fifteen percent (15%) of the facade attributed to that commercial establishment.
- 6.2.6.4 The sign surface and supporting framework shall be of a material in compliance with the applicable provisions of the Massachusetts State Building Code.
- 6.2.6.5 Notwithstanding the above limitations on number and area of signs, municipal directional signs and parking restriction signs, of any size, shall be permitted, and all other directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.
- 6.2.7 **Prohibited Signs.** The following signs shall be prohibited in all districts except as specified herein:
 - 6.2.7.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs, except that changeable municipal signs, shall be permitted in all districts.
 - 6.2.7.2 Flags, buntings, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of national holidays, shall be permitted.
 - 6.2.7.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
 - 6.2.7.4 Sign, other than traffic, regulatory or directional signs, which use the words “stop”, “caution”, or “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble universal “stop” or “yield” signs in shape and color.

6.2.7.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.

6.2.8 Dimensional Requirements.

6.2.8.1 **Sign Area Requirements.** Maximum sign area requirements shall be as set forth in Sections 6.2.3 through 6.2.5. Sign area measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which encompasses all of the letters and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

6.2.8.2 **Sign Height Requirements.** No part of any sign, or light fixture illuminating said sign, shall be at a height greater than the maximum height permitted pursuant to Section 5.2 of this bylaw for the building or structure to which the sign pertains. No part of any sign, or light fixture illuminating said sign, shall be higher than the highest point of any building or structure on the same premises. In the case of a sign located on a lot where there is no other structure, no part of said sign, or light fixture illuminating said sign, shall exceed a height of ten (10) feet above ground.

6.2.8.3 **Sign Setback Requirements.** Signs exceeding one (1) square foot in area shall be set back at least fifteen (15) feet from the edge of roadway pavement, except for temporary signs which shall be set back at least ten (10) feet from the edge of roadway pavement, but in no case shall signs be placed within the public right-of-way without written permission from the Board of Selectmen. All signs shall meet side and rear setback requirements for accessory structures as set forth in Section 5.2 of this bylaw.

6.2.9 **Illumination and Movement.** Sign illumination and movement shall be prohibited except as specified herein.

- 6.2.9.1 **Illumination in Residential, Local Business and Administrative-Research-Office Districts.** Illumination of any sign within a Residential District, Local Business District, or Administrative-Research-Office District shall only be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting. Internal illumination shall not be permitted. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.
- 6.2.9.2 **Illumination in Highway Business, Industrial, and Industrial Office Districts.** Illumination of any sign within a Highway Business, Industrial, or Industrial Office District shall be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.
- 6.2.9.3 **Prohibited Means of Illumination.** Illumination of signs by neon or external florescent lighting shall be prohibited in all districts. Changeable signs, variable lit signs, and variable message signs shall be prohibited in all districts, except that signs or portions of signs displaying time, date and/or temperature shall be permitted provided that such signs meet all other provisions of this section. Variable message municipal signs, used to provide public information, traffic or safety messages, shall be permitted in all districts.
- 6.2.9.4 **Prohibited Means of Sign Movement.** Movement of a sign body or any segment thereof, by rotation, revolution, up and down movement, or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, shall be prohibited in all districts.
- 6.2.9.5 **Video Media Display.** Video media display shall be permitted in Local Business and Highway Business Districts, only as follows:
- 6.2.9.5.1 No video media display shall be positioned so as to be visible from any public way, including any sidewalk, whether such display is located on the interior or exterior of a building or structure.
- 6.2.9.5.2 No more than four (4) video media displays shall be permitted on any property at one time.
- 6.2.9.5.3 No single video media display shall exceed one and one-half (1-1/2) square feet in area.

6.2.10 **Temporary Signs.** Temporary signs shall be prohibited except as specified herein.

6.2.10.1 **General Provisions for Temporary Signs.**

6.2.10.1.1 Temporary signs may only be installed with the permission of the property owner. Temporary signs to be placed on Town property require the prior written permission of the Town Administrator.

6.2.10.1.2 Temporary signs must be removed within the period of time specified herein.

6.2.10.1.3 Temporary signs shall not be attached to utility poles, fences, walls, trees or other vegetation, nor shall they be installed upon a sidewalk or public way.

6.2.10.1.4 No temporary signs shall exceed twenty (20) square feet in area, unless otherwise provided herein.

6.2.10.1.5 There shall no more than two (2) temporary signs installed on any premise at any one time.

6.2.10.1.6 No temporary sign shall be installed such that the highest point of said sign is more than three (3) feet above ground level, unless otherwise provided herein.

6.2.10.1.7 Temporary signs shall not be illuminated.

6.2.10.2 **Temporary Real Estate Signs.** A maximum of two (2) temporary real estate signs shall be permitted, where such signs may be maintained on a property listed for sale or lease during the period of such listing, and shall be removed by the owner or agent within thirty (30) days of conveyance. Such signs shall advertise only the property on which the signs are located. Where permitted, temporary real estate signs shall be limited to the following maximum area requirements:

6.2.10.2.1 In Industrial and Industrial Office Districts such signs shall not exceed thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.

6.2.10.2.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.

6.2.10.2.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.

6.2.10.2.4 In Residential Districts such signs shall not exceed six (6) square feet and shall not be installed such that the highest point of said sign is more than three (3) feet above ground level.

6.2.10.3 **Temporary Construction Signs.** A maximum of two (2) temporary construction signs shall be permitted in non-residential districts only, where such signs may be maintained on a building or property undergoing construction during the period of construction, and for not more than thirty (30) days following the completion of said construction, but in no case longer than six (6) months, unless such period is extended in writing for good cause by the Building Commissioner. Where permitted, temporary construction signs shall be limited to the following maximum area requirements:

6.2.10.3.1 In Industrial and Industrial Office Districts such signs shall not exceed thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.

6.2.10.3.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.

6.2.10.3.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.

6.2.10.4 **Temporary Political Signs.** Temporary political signs shall be permitted in all Districts.

6.2.10.5 **Temporary Banners.** Temporary banners announcing charitable, nonprofit, or civic events, shall be permitted for a period of time not to exceed thirty (30) consecutive days prior to the event. All temporary banners shall be removed within ten (10) days after such event. Such banners may be erected across public ways with the prior written permission of the Town Administrator upon such terms and conditions as it shall determine, including size, location and design.

- 6.2.10.6 **Temporary Special Event Signs.** Temporary special events signs, including off-premises temporary special event signs, shall be permitted for a period of time not to exceed fourteen (14) consecutive days prior to the advertised event. All temporary signs shall be removed within two (2) days after such event.
- 6.2.10.7 **Open House Signs.** Open house signs, not exceeding six (6) square feet in area, shall be permitted only on the property which is for sale or lease, and/or at nearby intersections to guide potential buyers to that location, and shall only be permitted during the hours of the open house.
- 6.2.10.8 **Yard Sale Signs.** Yard sale signs, not exceeding six (6) square feet in area, shall be permitted only on the property engaged in the yard sale, and/or at nearby intersections to guide potential buyers to that location, and shall be removed within twenty-four (24) hours after the yard sale.
- 6.2.11 **Nonconforming Signs.**
- 6.2.11.1 Nonconforming signs and sign structures may continue to be maintained but shall not be reconstructed, remodeled, relocated, reworded or redesigned unless it is brought into conformity with all provisions of this Zoning Bylaw.
- 6.2.11.2 Nothing in this Section shall be deemed to prevent the repair and maintenance of a nonconforming sign including general maintenance, repainting and replacement of inoperative or deteriorated parts of the sign face. Supporting structures for nonconforming signs may be replaced, providing that such replacement brings the structure into more conformity as to height, setback and other requirements.
- 6.2.11.3 A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after it is shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action brings the sign and sign structure into conformity with all provisions of this Zoning Bylaw.
- 6.2.11.4 A nonconforming sign or sign structure shall be removed within thirty (30) days if the building or structure containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the appraised value of the building.
- 6.2.12 **Sign Materials and Maintenance.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they

support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent. All signs and support structures shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. The Building Commissioner may order the repair of a sign that is not secure, safe or in good state of repair by written notice to the owner. If the defect in the sign is not corrected within thirty (30) days of said written notice, the Building Commissioner may order the removal of the sign or impose fines as specified pursuant to Section 10.1, Execution and Enforcement.

6.2.13 **Sign Removal.** Any sign which has been ordered removed by the Building Commissioner or which is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within thirty (30) days of the written notice.

6.2.14 **Special Permit.** The Board of Appeals may grant a special permit for a sign that does not comply with sign area, height, or setback requirements set forth herein, or which exceeds the maximum permitted number of signs permitted, provided that said sign is otherwise in compliance with all other provisions of this section, and provided further that the Board of Appeals makes the following findings:

6.2.14.1 Applicant has adequately demonstrated that compliance with the provisions of this Section will be an undue hardship.

6.2.14.2 Sign scale is determined to be in reasonable relation to the scale of the building or structure and the sizes of signs on nearby structures.

6.2.14.3 Sign size, shape and placement serves to define or enhance architectural elements of the building or structure such as columns, sill lines, cornices and roof edges.

6.2.14.4 Sign design is harmonious with other signage on the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials.

6.2.14.5 Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, and surrounding neighborhood.

6.2.14.6 Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.

6.3 ENCLOSURE, SCREENING AND BUFFERS

6.3.1 **Enclosure Requirements in Highway Business and Industrial Districts.** In the Highway Business District and Industrial Districts all uses permitted as of right, or authorized by special permit, and all uses accessory thereto, shall be conducted within a completely enclosed building or structure, except the following uses provided that no

portion of the use conducted outside shall extend nearer to any street or lot line than the corresponding setback distance specified for buildings in the same district:

- 6.3.1.1 Uses permitted as of right in any Single Residence District;
- 6.3.1.2 The dispensing of fuel and lubricants at a motor vehicle light service station;
- 6.3.1.3 The dispensing of food, beverages or goods on premises with drive-through service; and
- 6.3.1.4 Automobile parking lots.

6.3.2 **Buffer Areas in Nonresidential Districts.** Where a lot in any Industrial District abuts or is within two hundred (200) feet, or in any Local or Highway Business District where a lot abuts or is within twenty (20) feet, of the boundary line of any Residential District (including any Residential District in an adjacent municipality), unless one of the Principal State Highways (as herein defined) or a railroad right-of-way lies between such lot and such Residential District, a buffer area shall be provided on all portions of said lot so abutting (or within the foregoing specified distance of such Residential District). Such buffer area shall be as follows:

- 6.3.2.1 in the Industrial Districts, at least two hundred (200) feet wide, including the width of any land held by the Westwood Conservation Commission and any part of any public street (as hereinafter defined) located in such Industrial District and lying between such lot and Residential District; and
- 6.3.2.2 in the Local Business or Highway Business Districts, at least twenty (20) feet wide.

6.3.3 **Definition.** As used in this Section, “Principal State Highways” shall mean Route 128, Route 1 and Route 1A, as designated by the State Department of Public Works on March 11, 1968, and “public street” shall mean a street established and maintained under public authority, or a street plotted or laid out for ultimate public use and shown on a plan approved by the Planning Board.

6.3.4 **Uses within Buffer Areas.** Buffer areas, except as the same are part of a public street, shall be used only as provided herein. No building or structure, except for fences constructed in accordance herewith, shall be constructed or otherwise placed within any portion of the buffer area, whether or not used for business or industrial purposes. However, in any Industrial District the buffer area may contain driveways and sidewalks. The following distances nearest the Residential District boundary shall be used and maintained so as to preserve the natural features of the area, including trees, woods, streams and ponds, and as a planting area for lawns with trees, shrubs and other landscape materials:

- 6.3.4.1 In the Industrial Districts, one hundred twenty-five (125) feet. The remaining seventy-five (75) feet of buffer area may be used for unenclosed surface off-street parking or other permitted outdoor uses, providing such uses are screened from view at normal eye level on said Residential District boundary line.
- 6.3.4.2 In the Local Business or Highway Business Districts, twenty (20) feet. A suitable planting area shall be interpreted as requiring a substantially sight impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight impervious fence at least five (5) feet and not more than eight (8) feet in height. Notwithstanding the foregoing, the plantings within any portion of a buffer area located within eight (8) feet of a public street or any other roadway shall be such as to avoid impairment of traffic visibility.
- 6.3.5 **Uses Requiring Screening.** The following uses of land shall be screened if visible at normal eye level from any point on an abutting lot in a Residential District as set forth herein:
 - 6.3.5.1 Any off-street parking facility containing five (5) or more parking spaces and located in or adjacent to a Residential District, and not contained within a structure;
 - 6.3.5.2 Any commercial vehicle (whether or not operative and registered) of a gross vehicle weight in excess of eight thousand five hundred (8,500) pounds or more than twenty (20) feet in length stored or parked overnight in any Residential District;
 - 6.3.5.3 Refuse disposal and dumpster areas, outdoor storage areas of goods and materials;
 - 6.3.5.4 The outdoor storage of used materials, used vehicles or equipment or waste materials;
 - 6.3.5.5 Except in the case of a lot used for municipal purposes, the outdoor parking or storage of two or more buses, trucks or earthmoving equipment items or similar contractor's equipment or heavy vehicles; and
 - 6.3.5.6 Except in the case of a lot used for municipal purposes, the outdoor storage of solid fuel, sand, road salt, manure, fertilizer or other similar substances piled in bulk form.
- 6.3.6 **Screening Standards.**
 - 6.3.6.1 Screening shall consist of fencing and/or an area of at least three (3) feet in width of densely planted shrubs or trees which are at least two (2) feet high at the time of planting and are of a type that may be expected to form

within three (3) years after planting a year-round, continuous, substantially impervious visual screen.

- 6.3.6.2 Screening as required in this Section shall be located so as not to obstruct vehicle sight distances, entrances and exits. Such screening shall not exceed a height of more than two (2) feet within thirty (30) feet of an intersection or ten (10) feet of a driveway. In no case shall the screening of parking facilities from abutting streets exceed four (4) feet in height.
- 6.3.6.3 Plantings shall be of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and provide for a year-round, continuous, substantially impervious visual screen.
- 6.3.6.4 Fences shall be solidly constructed of wood, stone or brick materials. There shall be no metal or chain-link materials used.
- 6.3.6.5 Screening shall be continuously maintained to effectively serve the purpose for which it is intended. No advertising devices of any kind shall be allowed on screening.
- 6.3.6.6 Screening shall be continuous except for required access.
- 6.3.7 **Coordination with Environmental Impact and Design Review.** Any landscaping plan as may be required pursuant to Section 7.3, Environmental Impact and Design Review shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.
- 6.3.8 **Maintenance of Landscaped Areas.** All plant materials required pursuant to this Section shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and nonplant ground surface materials shall be maintained so as to control weed growth.
- 6.3.9 **Screening Standards Special Permit.** By the grant of a special permit, the Planning Board may waive or modify the requirements of Section 6.3.6 when in its judgment the strict application of such requirements would result in peculiar or exceptional difficulties, or exceptional and undue hardship or in a specific instance where for topographic or other reasons, fences, walls and screening as herein required could not possibly screen the activities conducted at ground level.
- 6.3.10 **Perimeter Fence Special Permit.** The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of a maximum of eight (8) feet, measured from the lowest point of grade adjacent to the fence or combined wall and fence, only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in

relation to the site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;
- 6.3.10.2 proximity to abutting residences;
- 6.3.10.3 proximity to heavily traveled roadways; and
- 6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.

6.4 EXTERIOR LIGHTING

6.4.1 **Purpose.** The purpose of this Section is to enhance public safety by providing for adequate and appropriate outdoor lighting, protect community character, promote energy conservation and protect against light trespass and glare.

6.4.2 **Definitions.** For the purposes of this Section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 2.0 of this Bylaw.

6.4.2.1 Color Rendering Index (CRI) A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.

6.4.2.2 Fixture The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

6.4.2.3 Glare Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.

6.4.2.4 Lamp The component of a luminaire that produces the actual light.

6.4.2.5 Light Trespass The shining of direct light produced by a luminaire beyond the boundaries of the lot on which it is located.

6.4.2.6 Lumen A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this Bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

6.4.2.7 Luminaire A complete lighting system, including a lamp or lamps and a fixture.

6.4.3 **Applicability.** Outdoor illumination by flood or spot luminaires rated at nine hundred (900) lumens or more (which is approximately equal to one 60-watt incandescent light bulb) or by any other luminaires rated at one thousand eight hundred (1800) lumens or more (which is approximately equal to one 120-watt incandescent light bulb) shall be subject to the provisions of this Section, with the following exceptions: emergency lighting; hazard warning; temporary decorative or holiday lighting; public roadway illumination or other lighting required by or installed by governmental agencies. It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

6.4.3.1 The replacement of existing fixtures shall be subject to the provisions of this Section, however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.

6.4.3.2 The Planning Board in performing review pursuant to Section 7.3, Environmental Impact and Design Review may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this Section and in such cases, may modify the requirements of this Section.

6.4.4 **Exterior Lighting Plan.** Applications subject to the provisions of Section 7.3, Environmental Impact and Design Review shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said Section 7.3 does not require a lighting plan but shall meet the standards as set forth in this Section, unless as may otherwise be provided herein. The lighting plan shall include the following information:

6.4.4.1 location, orientation and type of outdoor luminaire, including the height of the luminaire;

6.4.4.2 luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;

6.4.4.3 type of lamp such as metal halide, compact fluorescent, high pressure sodium and its associated Color Rendering Index (CRI);

6.4.4.4 photometric plan showing the intensity of illumination expressed in foot-candles at ground level within the interior of the property and at the property boundaries. The plan shall also include the following illumination information in a table format: Minimum; Maximum; Average; Average to Minimum and Maximum to Minimum; and

- 6.4.4.5 evidence that any light trespass does not exceed the limitations set forth in Chart IV herein.
- 6.4.5 **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
- 6.4.6 **Wall Mounted Fixtures.** In Nonresidential Districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than fifteen (15) feet above grade and shall be shielded to control glare.
- 6.4.7 **Pole Mounted Fixtures.** Pole mounted exterior lighting fixture types are defined and restricted as follows:
- 6.4.7.1 Type A. No light cutoff.
- 6.4.7.2 Type B. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from straight down, and essentially no light is emitted above the horizontal.
- 6.4.7.3 Type C. Luminaire shielded such that total cutoff is at less than 90 degrees from straight down, and no light source is in direct view of an observer five (5) feet above the ground at any point off the premises.
- 6.4.8 **Pole Mounted Fixtures Height Limitation.** Illustrations of pole mounted exterior lighting fixture types are shown in Chart I herein. Pole mounted fixtures shall not exceed the applicable pole mounted height limitation set forth in Chart II in any district. The Type A pole mounted exterior lighting fixture is prohibited in all Nonresidential Districts.

CHART I. ILLUSTRATIONS

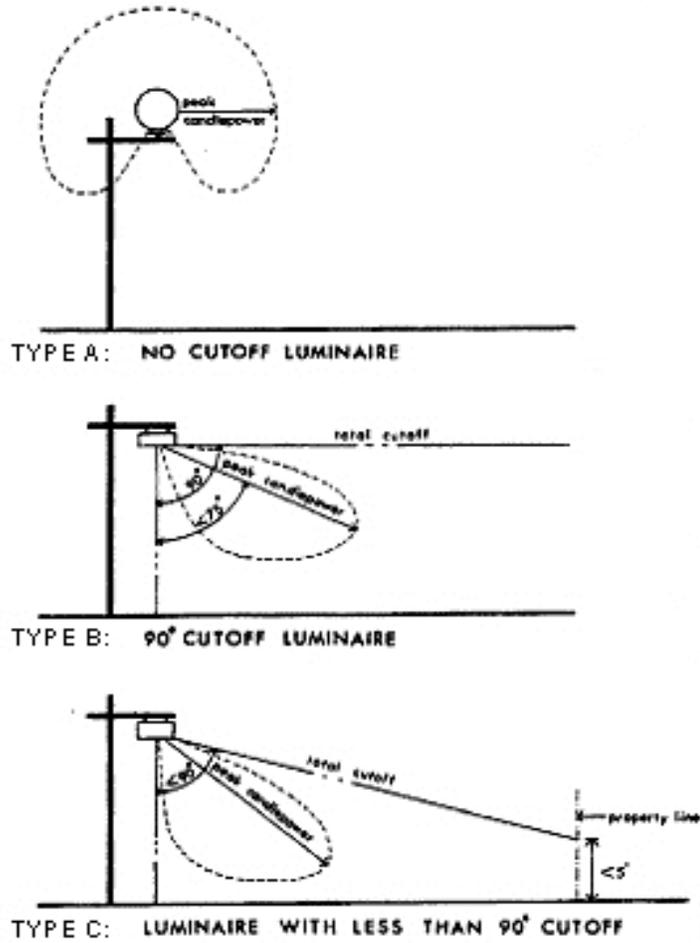


CHART II. POLE MOUNTING HEIGHT LIMITATIONS

	District	
	Residential	Nonresidential
	Maximum Luminaire Mounting Height (feet above grade) "District" is that in which fixtures are located.	
Fixture Type A	10	Not allowed
Fixture Type B	15	25
Fixture Type C	20	30

6.4.9 **Ceiling Mounted Fixtures.** In Nonresidential Districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

6.4.10 **Lighting Levels.** In Nonresidential Districts, exterior lighting shall not exceed the following levels on the ground set forth in Chart III herein:

CHART III. LIGHTING LEVELS (horizontal foot-candles)

	Minimum*	Average*	Maximum*
Driveways and Parking	0.5	5.0	10.0
Under Building or Canopy	1.0	25.0	40.0
All Other Nonresidential Areas	0.5	1.0	3.0

* Applicable to the entire lighted area

6.4.11 **Light Trespass Limitations.** Light trespass in excess of the applicable limitation set forth in Chart IV herein is prohibited in all Districts.

CHART IV. LIGHT TRESPASS LIMITATIONS

	District	
	Residential	Nonresidential
	Maximum Light Trespass (horizontal foot-candles)* “District” is that into which the light trespass occurs.	
Fixture Type A	0.2	Not allowed
Fixture Type B	0.3	0.5
Fixture Type C	0.5	1.0

* Except no limit within a street right-of-way.

6.5 FLOOR AREA RATIO LIMITATION

6.5.1 **FAR Limitations in the Highway Business, Industrial-Office and Administrative-Research-Office Districts.** In the Highway Business, Industrial-Office and Administrative-Research-Office Districts, the floor area ratio (FAR) resulting from new construction, renovation or addition shall not exceed 0.4 on any lot, except that the Planning Board may grant a special permit for FAR not to exceed 0.8 upon its written determination, in addition to any other findings required under this Bylaw, that it meets the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw and its off-site impacts on traffic will be mitigated or compensated as herein provided.

6.5.2 **FAR Limitations in the Industrial District.** In the Industrial District, the floor area ratio (FAR) resulting from new construction, renovation or addition shall not exceed 0.6 on any lot, except that the Planning Board may grant a special permit for FAR not to exceed 1.0 upon its written determination, in addition to any other findings required under this Bylaw, that it meets the standards set forth in the decision criteria for a Major Business Development in Section 7.2 of this Bylaw and its off-site impacts on traffic will be mitigated or compensated as herein provided.

6.5.3 **Traffic Mitigation.** Applications for approval of an FAR exceeding 0.4 in the Highway Business, Industrial-Office and Administrative-Research-Office Districts and 0.6 in the Industrial District shall include a traffic impact study prepared consistent with study

guidelines adopted and from time to time amended by the Planning Board. Such applications shall be approved only upon determination by the Planning Board that, based upon facilities as existing or committed to be improved by the Town or the Applicant, on no street or intersection will peak hour congestion fall below baseline traffic conditions as the result of projected traffic.

6.6 NOISE

6.6.1 **Applicability.** The following noise standards, unless otherwise specifically indicated, shall apply to noise as heard at any location off the premises within a designated noise zone, except for that produced by warning devices, agricultural activity, temporary construction or maintenance work, yard maintenance, public events or other special circumstances, but specifically not excluding recurrent vehicle noise associated with fixed points, such as that of refrigerator trucks at loading areas.

6.6.2 **Noise Zones.** The following noise zones are hereby created:

NOISE ZONE A: Nonresidential Districts.

NOISE ZONE B: Locations in any Residential District, but within two hundred (200) feet of a state-numbered highway.

NOISE ZONE C: All other locations.

6.6.3 **Limitations.** No development shall be allowed which would result in the following standards being exceeded by more than twenty (20) decibels at any time, or by more than ten (10) decibels for more than ten (10) minutes in an hour, or at all for more than thirty (30) minutes in an hour, measured at any point off-site. If the generated noise has a single dominant frequency above four thousand eight hundred (4,800) cycles per second, these standards shall be reduced by five (5) decibels.

ALLOWABLE EXTERIOR NOISE LEVEL

NOISE ZONE	7:00 AM - 9:00 PM	9:00 PM - 7:00 AM
A	65 decibels	60 decibels
B	60 decibels	55 decibels
C	55 decibels	50 decibels

SECTION 7.0 SPECIAL REGULATIONS

7.1 EARTH MATERIAL MOVEMENT

7.1.1 **Special Permit Required.** No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor granted by the Board of Appeals. The Planning Board shall be the Special Permit Granting Authority for the export, import and/or regrading of earth material on any parcel of land in connection with 1) the construction of streets and the installation of municipal services as shown on a subdivision plan; or 2) a plan submitted pursuant to Section 7.2, Major Business Development (MBD), Section 7.3, Environmental Impact and Design Review (EIDR), Section 8.4, Senior Residential Development (SRD), Section 9.5, Flexible Multiple Use Overlay District (FMUOD), or Section 9.7, Upper Story Residential Overlay District (USROD).

7.1.2 **Application Requirements.** An application for a special permit for earth material movement shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Board of Appeals or Planning Board. The site plan shall be prepared by a Registered Land Surveyor or Registered Professional Engineer and shall include the following information:

- 7.1.2.1 existing topographical contours of the subject land shown at two (2) foot intervals;
- 7.1.2.2 existing topographical contours of adjacent land shown at two (2) foot intervals, if available;
- 7.1.2.3 topographical contours as proposed after completion of the operation;
- 7.1.2.4 proposed lateral support to adjacent properties;
- 7.1.2.5 proposed drainage and soil erosion prevention measures;
- 7.1.2.6 quantity and composition of earth material to be exported, imported or regraded;
- 7.1.2.7 other information necessary to indicate the complete physical characteristics of the operation.

7.1.3 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, which said Board may, at its discretion, investigate the case and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board,

or until said Planning Board has allowed thirty-five (35) days to elapse after receipt of such application without submission of a report.

7.1.4 **Findings.** No special permit for the movement of earth material (including temporary structures accessory thereto), shall be granted unless the Board of Appeals or Planning Board finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town. For this purpose, an operation shall be considered contrary to the best interests of the Town which:

7.1.4.1 will be injurious or dangerous to the public health or safety;

7.1.4.2 will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;

7.1.4.3 will result in transportation of materials on ways giving access to the subject land which will cause traffic congestion or hazards;

7.1.4.4 will result in transportation which will cause undue injury to roadway surfaces;

7.1.4.5 will result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;

7.1.4.6 will have a material adverse effect on the natural or engineered drainage patterns of groundwater or surface water; or

7.1.4.7 will have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.

7.1.5 **Conditions.** In granting a special permit hereunder, the Board of Appeals or Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to:

7.1.5.1 area and limits of work;

7.1.5.2 method of import, export and/or regrading of earth material;

7.1.5.3 type and location of temporary structures;

7.1.5.4 duration of time and termination date of import, export and/or regrading of earth material;

7.1.5.5 hours of operation;

7.1.5.6 policing of traffic entering and leaving the site;

- 7.1.5.7 routes for transporting earth material through the Town;
 - 7.1.5.8 area and depth of excavation and/or fill;
 - 7.1.5.9 proximity to street and lot lines;
 - 7.1.5.10 grades of slopes;
 - 7.1.5.11 reestablishment of ground levels and grades;
 - 7.1.5.12 provisions for temporary and permanent drainage and erosion control;
 - 7.1.5.13 disposition of boulders, tree stumps and other debris;
 - 7.1.5.14 replacement of loam over the area of removal;
 - 7.1.5.15 planting of the area to suitable cover, including trees; and
 - 7.1.5.16 cleaning of roadway surfaces during and following transport of earth material.
- 7.1.6 **Fill Material.** A statement may be required from a certified professional to verify the source and content of fill material if the special permit is issued for the placement of fill. The analysis of the content of the fill material may be required so as to detect the presence and quantity of hazardous or substandard materials. This analysis shall be conducted by a certified professional hired by the Board of Appeals or Planning Board at the expense of the Applicant.
- 7.1.7 **Surety and Performance Bond.** A surety and performance bond, cash or other adequate security may be required to insure compliance with the terms, conditions, limitations and safeguards of such special permit and to indemnify the Town for any harm to any public well, roadway, wetland or other resource caused by such import, export and/or regrading of earth material and the equipment used for such operations on the premises or by ancillary activities.
- 7.1.8 **Time Limit.** No special permit for the export, import and/or regrading of earth material shall be granted for a period of more than one (1) year in a Residential District or more than three (3) years in a Nonresidential District, although the special permit may be renewed for additional periods in the same manner as for the initial issuance.
- 7.1.9 **Existing Earth Material Removal Operations.** A sand or gravel pit, quarry or other earth material removal activity in lawful operation on any premises on the effective date of this Bylaw may continue as an exempt operation unless and until abandoned, or if operating under a prior special permit issued by the Board of Appeals, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by such prior special

permit or by a new special permit issued hereunder (i) the depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this Bylaw; (ii) the total area of excavation shall not be increased by more than fifty percent (50%) over its area on said date; and (iii) the amount of material removed per day shall not exceed by more than fifty percent (50%) the daily average for the twelve (12) months preceding said date or the actual period of operation, if less than twelve (12) months.

7.1.10 **Other Exceptions.** The movement of earth material in any of the following operations shall be an exempt operation:

7.1.10.1 Export, import and/or regrading of earth material that will result in i) less than two hundred (200) cubic yards of earth material in the aggregate in any year on any one premises in a Residential District or two hundred fifty (250) cubic yards of earth material in the aggregate in any year on any one premises in a Nonresidential District; and ii) finished fill grading slopes of less than fifteen percent (15%); and iii) less than five (5) feet in elevation above surrounding and undisturbed grade elevations.

7.1.10.2 Export, import and/or regrading of earth material on land in use by the Town or other governmental agency.

7.1.10.3 Export and/or regrading of earth material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, sidewalk or path incidental to any such building or structure, provided that the quantity of earth material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk or path below finished grade.

7.1.10.4 Export, import and/or regrading of earth material consisting of compost, peat, manure, loam or other vegetative or earthen matter by exempt agricultural, horticulture or floriculture uses necessary for, or directly related to, the planting, cultivation or harvesting of vegetative products or the raising or care of animals.

7.1.10.5 Outdoor storage of earth material or products that require the grant of a special permit as may otherwise be required by this Bylaw.

7.1.11 **Permits in Proposed Subdivisions.** The export, import and/or regrading of earth material on any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the export, import and/or regrading of earth material on the premises, even though in connection with the construction of streets and the installation of municipal services shown on a subdivision plan.

7.2 MAJOR BUSINESS DEVELOPMENT (MBD)

7.2.1 **Purpose.** The purpose of this Section is to assure that large-scale business developments are carefully tested against the Town's decision criteria relating to locations and uses, and to assure that adequate provisions are made for impacts of development.

7.2.2 **Applicability.** In the following categories, new or the expansion of existing buildings or structures and outdoor uses, exterior alterations, exterior additions and exterior changes that result in an increase of:

7.2.2.1 more than fifty thousand (50,000) square feet net floor area in use for one or more of the following categories:

7.2.2.1.1 store for retail sale of goods not requiring a special permit, and not involving Adult Uses or live animals;

7.2.2.1.2 bank or other financial institution;

7.2.2.1.3 restaurant (but not a Fast Order Food Establishment) with no mechanical or live entertainment regularly furnished;

7.2.2.1.4 printing/copy/publishing establishment;

7.2.2.2 more than one hundred seventy five thousand (175,000) square feet net floor area in any use other than those in Section 7.2.2.1 and those permitted as of right in Single Residence Districts;

7.2.2.3 parking or storage for two hundred fifty (250) or more motor vehicles.

7.2.3 **Special Permit Required.** A MBD shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section. Application for any other special permits which may also be required and for which the Planning Board is the designated Special Permit Granting Authority may be consolidated with a MBD application and acted upon concurrently by the Planning Board.

7.2.4 **Application Requirements.** An application for a special permit for a MBD shall be accompanied by a site plan and all other application materials required by the rules and regulations of the Planning Board in addition to the following:

7.2.4.1 Application materials required for Section 7.3, Environmental Impact and Design Review;

7.2.4.2 A presentation model at a minimum scale of one (1) inch equals twenty (20) feet (or such other scale as the Planning Board shall determine) showing the parcel, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings;

- 7.2.4.3 Description of the types and quantities of proposed on-site activities;
 - 7.2.4.4 Analysis indicating how the project serves job, service or other interests of Town residents;
 - 7.2.4.5 Impact analyses on appropriate issues as may be identified by the Town, including identification of public facility improvements to be made by the Applicant and others;
 - 7.2.4.6 Description of project timing and phasing.
- 7.2.5 **Decision.** A special permit for a MBD shall be granted by the Planning Board only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:
- 7.2.5.1 ability of roads, water and drainage facilities as existing, or as committed by the Town or the Applicant to be improved, to serve the project adequately and safely without material deterioration in service to other locations;
 - 7.2.5.2 degree of assurance that no planned process or unplanned contingency will result in hazard or contamination of air, land or water resources;
 - 7.2.5.3 visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees and architectural character;
 - 7.2.5.4 degree of threat to environmental resources, including loss of valuable trees and other vegetation, disturbance to habitats and soil through erosion;
 - 7.2.5.5 buffering and screening from any nearby uses of different character; and
 - 7.2.5.6 degree to which the proposal serves job, service or other interests of Town residents.
- 7.2.6 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for special permits pursuant to this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

7.3 ENVIRONMENTAL IMPACT AND DESIGN REVIEW (EIDR)

7.3.1 **Purpose.** The purpose of this Section is to provide individual detailed review of certain uses and structures which have a substantial impact upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental impact and design review process is intended to promote the specific purposes listed in Section 1.1, Purpose.

7.3.2 **Applicability.** The following types of activities and uses which require a building permit under applicable building codes (exclusive of signs governed by the provisions of Section 6.2) shall require, except as otherwise hereinafter provided in this Section, impact and design approval under the environmental impact and design review procedures and standards hereinafter specified, unless found to be de minimis by the Building Commissioner notwithstanding anything to the contrary in this Zoning Bylaw. In addition, any change in use which results in a use prohibited or requiring a special permit in a Water Resource Protection Overlay District, whether or not within such a district and whether or not requiring a building permit, shall be subject to review by the Building Commissioner and, if applicable, requirement for approval hereunder. Nothing herein shall be deemed to permit any use or structure not otherwise permitted as of right or by special permit under this Zoning Bylaw, or to give rise to an implication as to whether or not a particular use or structure is permitted as of right or by special permit under this Zoning Bylaw. The following shall require approval hereunder:

7.3.2.1 construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial or multi-family structure;

7.3.2.2 expansion, by three (3) or more parking spaces, of a parking area or facility containing five (5) or more parking spaces;

7.3.2.3 construction of an Open Space Residential Development (OSRD), under Article 8.3 of this bylaw.

7.3.3 **Exempt Uses.** Mandatory review of uses for which M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions shall be limited consistent with those statutory provisions, and on other matters shall be advisory only. For religious, educational or child care facilities the Planning Board in its review shall make determinations of compliance with requirements governing bulk and height of structures, yard sizes, lot area, setbacks, open space and parking and building coverage. Procedure for such uses shall be the same as for others, except that the Planning Board shall waive the requirement of any submittals which are unnecessary for the Planning Board's regulatory determinations.

7.3.4 **Single-Family Dwelling Exemption.** Notwithstanding the foregoing, exterior alterations, exterior additions and exterior changes (including fences, walls and driveways), if made to a single-family dwelling, shall be exempt from the regulations of this Section.

7.3.5 **Procedures.** An application for environmental impact and design review shall be accompanied by twenty (20) copies of the site plan and other application materials in accordance with the requirements specified below and the Planning Board's rules and regulations. The Planning Board shall hold a public hearing in accordance with its rules and regulations and shall provide its decision forthwith to the Building Commissioner and Applicant.

7.3.6 **Submittal Requirements.** To assist the Planning Board in its evaluation of an application for environmental impact and design approval hereunder, the Applicant shall submit the following materials at the time of application, except to the extent waived by the Planning Board:

7.3.6.1 **Site Plan.** The site plan shall be prepared by a Registered Professional Engineer, Registered Landscape Architect and/or Registered Professional Land Surveyor and shall show the following information, except to the extent waived by the Planning Board:

7.3.6.1.1 Existing and proposed planting, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;

7.3.6.1.2 Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;

7.3.6.1.3 Dimension and location of existing and proposed buildings and structures;

7.3.6.1.4 Existing topography, including any proposed grade changes;

7.3.6.1.5 Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points;

7.3.6.1.6 Storm drainage, including direction of flow and means of ultimate disposal. Stormwater drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection;

- 7.3.6.1.7 Provisions for sanitary sewerage and water supply, including fire protection measures; and
- 7.3.6.1.8 Location of all utilities, signage, outdoor storage and trash disposal areas.
- 7.3.6.2 **Exterior Lighting Plan.** The Exterior Lighting Plan shall show the information as required in Section 6.4.4 of this Bylaw, except to the extent waived by the Planning Board.
- 7.3.6.3 **Traffic Study.** The traffic study shall be prepared by a Registered Professional Engineer consistent with study guidelines adopted and from time to time amended by the Planning Board, except to the extent waived by the Planning Board.
- 7.3.6.4 **Drawings/Renderings.** A drawing or rendering of the proposed building, including color and type of surface materials showing front, rear and side elevations.
- 7.3.6.5 **Photographs.** Photographs showing any existing structures to be altered, the proposed building site and surrounding properties. Applications for alterations and additions shall include photographs showing each existing structure to be altered and its relationship to adjacent properties.
- 7.3.6.6 **Impact Statement.** An explanation of how each of the environmental impact and design standards cited herein is incorporated into the design of the proposed development. Where a particular standard is not applicable a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or federal regulations may be accepted as a substitute in lieu of this statement.
- 7.3.6.7 **Model.** A presentation model at a minimum scale of one (1) inch equals twenty (20) feet (or such other scale as the Planning Board shall determine) showing the tract, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings, except to the extent waived by the Planning Board. This Subsection is not applicable to additions, alterations or changes which increase gross floor area by less than one hundred percent (100%).
- 7.3.7 **Environmental Impact and Design Standards.** The following standards shall be utilized by the Planning Board to review and evaluate all applications pursuant to this Section. These standards are intended to provide a frame of reference for the Applicant in the development of their project and building plans as well as criteria for review by the Planning Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in this Section shall also apply to all accessory buildings,

structures, freestanding signs and other site features, however related to the principal buildings or structures.

- 7.3.7.1 **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.
- 7.3.7.2 **Relation of Buildings to Environment.** The proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.
- 7.3.7.3 **Open Space.** All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- 7.3.7.4 **Circulation, Traffic Impact and Alternative Means of Transportation.** With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle and bicycle parking areas and the effect thereof upon the use and enjoyment of proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets. Each proposed facility is encouraged to incorporate alternative means of transportation, including bicycle and shuttle bus, and shall make adequate provision for the convenience of vehicular and pedestrian movement within the site in which the facility is to be located, and in relation to nearby streets, property and improvements.
- 7.3.7.5 **Stormwater Drainage and Erosion Control.** Special attention shall be given to proper site surface drainage (i) so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and (ii) so as to minimize any adverse impact upon nearby “downstream” properties. Stormwater shall be removed from all roofs, canopies and paved areas in a manner complying with the stormwater management standards adopted and as amended from time to

time by the Massachusetts Department of Environmental Protection. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post-development erosion controls must be implemented and maintained where necessary.

- 7.3.7.6 **Advertising Features.** The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- 7.3.7.7 **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.
- 7.3.7.8 **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.
- 7.3.7.9 **Heritage.** With respect to the Town's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- 7.3.7.10 **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.
- 7.3.7.11 **Energy Efficiency.** To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and

other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

7.3.7.12 **Detrimental Effects.** No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.

7.3.7.13 **Nearby Properties.** Nearby properties shall be protected against detrimental uses on the site.

7.3.7.14 **Specific Standards for High and Washington Street.** Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values of a particular part of High Street or Washington Street, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements.

7.3.7.15 **Air Quality.** Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental Protection Agency (EPA) under the Clean Air Act, and any use required to apply to the Massachusetts Department of Environmental Protection under 310 CMR 7.00 or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.

7.3.7.16 **Plants and Animals.** Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program, or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a MBD special permit must include documentation to the Planning Board of having consulted with the Conservation Commission and the Massachusetts Natural Heritage Program regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.

- 7.3.7.17 **Vibration.** Except for blasting and other activities within the jurisdiction of the Board of Fire Prevention Regulations, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11 (18) for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.
- 7.3.7.18 **Electrical Disturbances.** No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- 7.3.7.19 **Historic and Archaeological Sites.** Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Massachusetts Register of Historic Places. An application for a MBD special permit shall submit documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.
- 7.3.7.20 **Solid Waste.** Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction, and must make permanent arrangement for satisfactory on-site storage of refuse pending its removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- 7.3.7.21 **Water Quality.** Any development subject to review pursuant to this Section which involves a use prohibited or requiring a special permit in a Water Resource Protection Overlay District pursuant to Section 9.3 may be allowed if such development is located outside of the Water Resource Protection Overlay District and if the material regulated is less than twenty (20) gallons liquid or less than one hundred fifty (150) pounds dry weight. If exceeding those limits the use shall be allowed only if the Planning Board, in its review of the application pursuant to this Section, determines that the Applicant has documented that adequate safeguards for protecting the integrity of groundwater quality have been assured. Any development subject to review pursuant to this Section which involves a use prohibited or requiring a special permit under Section 9.3 and is located within a Water Resource Protection Overlay District may be allowed if such development has been granted a special permit pursuant to the provisions of Section 9.3.
- 7.3.8 **Decision.** Environmental impact and design approval shall be granted upon the determination of the Planning Board that the application meets the objectives cited herein. The Planning Board may impose reasonable conditions at the expense of the

Applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points and other aspects of the development, so as to:

- 7.3.8.1 Minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and threat of air and water pollution;
 - 7.3.8.2 Maximize pedestrian and vehicular safety on the site and egress to and from the site;
 - 7.3.8.3 Minimize obstruction of scenic views from publicly accessible locations;
 - 7.3.8.4 Minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 - 7.3.8.5 Minimize glare from headlights and lighting intrusion;
 - 7.3.8.6 Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places;
 - 7.3.8.7 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances; and
 - 7.3.8.8 Ensure compliance with the provisions of this Bylaw, including parking, landscaping, exterior lighting and noise.
- 7.3.9 **Modifications.** Once environmental impact and design approval has been granted by the Planning Board, any subsequent changes in which the Building Commissioner has determined will substantially affect or alter the visual appearance of the building facade or roof or will substantially affect or alter traffic flow or modify the site plan, a new application shall be submitted pursuant to this Section.
- 7.3.10 **Lapse.** Environmental impact and design approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the environmental impact and design approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.

7.3.11 **Regulations.** The Planning Board may adopt reasonable rules and regulations for the administration of this Section.

7.3.12 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for environmental impact and design review.

7.3.13 **Appeal.** Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with M.G.L. Chapter 40A, Section 17 to a court of competent jurisdiction.

7.3.14 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for environmental impact and design approval under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a permit hereunder shall contain an agreement by the Applicant to that effect.

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 CONVERSION OF ONE-FAMILY DWELLING

Upon the grant of a special permit by the Board of Appeals, the conversion and/or use of a one-family dwelling to a dwelling for not more than two (2) families may be authorized, provided that such one-family dwelling has been in existence for not less than seventy-five (75) years.

8.2 TWO-FAMILY DWELLINGS

Upon the grant of a special permit by the Board of Appeals, a dwelling for occupancy by more than one (1) family, if located on a lot having an area larger than the minimum hereinafter required for the construction of a one-family dwelling in the same district by an additional four thousand (4,000) square feet for each family in excess of one accommodated thereon may be authorized; provided that said dwelling unit shall be limited to occupancy by no more than two (2) families.

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.3.1 Purposes. The purposes of Open Space Residential Development (OSRD) are as follows:

8.3.1.1 to conserve natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community;

8.3.1.2 to lessen the amount of disturbance to soils, topography and vegetation on the site, and to provide roads and infrastructure in more efficient and less intrusive ways than with conventional subdivisions;

8.3.1.3 to provide the opportunity for more flexibility and imagination in the design of residential developments;

8.3.1.4 to assure that the 4-step Design Process (as defined in 8.3.10.3.3) guides the design of an OSRD by identifying the resources and amenities to be protected, prior to laying out buildings, roadways, and lots;

8.3.1.5 to offer greater housing choice by allowing varied mixes of housing type, compatible with community character.

8.3.2 Definitions. For the purposes of this Section, the following terms are defined:

8.3.2.1 **Single-family Attached Dwelling Units.** Single-family attached dwelling units shall mean buildings where two (2) or more individual single-family dwellings units are physically connected to like dwellings for at least a

portion of one or more of their exterior walls. Single-family attached dwelling units may include townhouses in traditional row or other configuration or shape; or individual single-family dwellings units meeting at a common lot line. Single-family attached dwelling units shall not include any building where any dwelling unit is located above or below any other dwelling unit.

8.3.2.2 **Cluster.** Cluster shall mean a distinct area or “pod” of housing within an OSRD development, separated physically and visually from other clusters of housing by open space and/or other facilities or common areas.

8.3.2.3 **Tract.** Tract shall mean the boundaries and area of the original parcel of land proposed for the OSRD, prior to further division.

8.3.3 **Eligible Districts.** An OSRD shall be permitted only within the Single Residence B (SRB), Single Residence C (SRC), and Single Residence E (SRE) districts, pursuant to the requirements of this Section.

8.3.4 **Minimum Tract Requirements.** The minimum tract of land for an OSRD shall consist of one parcel or two or more contiguous parcels, with a minimum area of 120,000 square feet in SRB, 160,000 square feet in SRC, and 200,000 square feet in SRE, prior to further division. The Planning Board may make a finding that two or more parcels separated by a road or other infrastructural element are effectively contiguous if such is consistent with the purposes of this Section.

8.3.5 **Uses Allowed As of Right.** The following uses are allowed as of right in an OSRD:

8.3.5.1 Detached single-family dwelling units.

8.3.6 **Special Permit Uses.** The following uses are only allowed by OSRD Special Permit in an OSRD:

8.3.6.1 Single-family attached dwelling units;

8.3.6.2 Density bonus dwelling units.

8.3.7 **Facilities and Amenities.** The following facilities and amenities are allowed in an OSRD:

8.3.7.1 Common open space areas for active or passive recreation, preservation of habitat and natural resources, maintenance of scenic amenities, buffering between uses, both within the site and from abutting properties, connecting greenways to abutting protected open space, lawn and landscaped areas within the site, pedestrian and bicycle trails, and similar features;

- 8.3.7.2 Recreational amenities primarily for residents of the OSRD, including but not limited to: a community center, swimming pool, beach, tennis court, or children's playground;
- 8.3.7.3 Accessory uses necessary to the operation and maintenance of the development, including but not limited to detached structures for parking, sheds for equipment and tool storage, structures housing heating/ventilating and air conditioning, pumping stations or similar facilities, and energy generating facilities allowed by this bylaw.

8.3.8 **Planning Board Approvals Required.**

- 8.3.8.1 **Subdivision Approval Required.** When applicable under M.G.L. c. 41, § 81K through § 81GG and the Westwood Rules and Regulations Governing the Subdivision of Land, an OSRD shall require a Definitive Subdivision Plan approval. No building permit shall be issued for any new structure within an OSRD subdivision prior to the recording of an endorsed Definitive Subdivision Plan with the Norfolk Registry of Deeds.
- 8.3.8.2 **Site Plan Approval Required.** An OSRD shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this bylaw, and no building permit shall be issued for any structure within the OSRD prior to the recording of the EIDR Approval in the office of the town clerk.
- 8.3.8.3 **Uses Requiring Special Permit.** An OSRD containing one or more structures of single-family attached housing, and/or one or more density bonus dwelling units, shall require an OSRD Special Permit issued by the Planning Board in addition to the required EIDR Approval, and no building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD Special Permit and EIDR Approval in the office of the town clerk.

8.3.9 **Density and Dimensional Requirements.**

- 8.3.9.1 **Base Density from Underlying District.** The base number of dwelling units allowed in an OSRD shall be determined by the minimum lot size in the underlying district, SRB, SRC, and SRE, except as provided in Section 8.3.4.4 herein in regard to allowed density bonuses.
- 8.3.9.2 **Yield Calculation.** The maximum base number of dwelling units to which an OSRD is entitled shall be determined by the Planning Board following the submission of a Yield Calculation, as set forth below. The Yield Calculation shall be submitted as part of the EIDR application, but may be submitted on a preliminary basis to the Planning Board, as part of an informal pre-application meeting, as provided for in Section 8.3.5.1 herein.

The Yield Calculation is determined by the following steps:

Step One: Subtract from the total original area of the development tract 100% of all wetlands.

Step Two: Reduce that result by 10%, as an infrastructure factor.

Step Three: Divide that result by the minimum lot size required in the underlying district.

Step Four: For results less than 2, eliminate any fractional part, and for results greater than 2, round up to the next whole number for fractions of .5 or greater, and down for fractions less than .5.

Step Five: The result shall then be adjusted by the addition of the following number of units, to attain general parity with that of a conventional subdivision:

<u>Yield</u>	<u>Added Units</u>
1 to 3 units	0
4 to 8 units	1
9 to 13 units	2
14 to 18 units	3
Over 18 units	4

Yield: The result is the maximum base number of dwelling units allowed, provided that all other conditions required in Section 8.3 are met.

8.3.9.3

OSRD Dimensional Requirements. The following dimensional requirements shall apply within an OSRD, in place of the requirements set forth in Section 5.2, Table of Dimensional Requirements:

Minimum Dimensional Requirements in OSRD		
	Detached single-family dwelling units	Single-family attached dwelling units
8.3.9.3.1 Lot Size	10,000 sq. ft.	7500 sq. ft.
8.3.9.3.2 Lot Frontage	75'	75'
8.3.9.3.3 Perimeter Tract Setback	30'	30'

8.3.9.3.4	Front Setback on existing street	50% of front setback in underlying district	50% of front setback in underlying district
8.3.9.3.5	Front Setback on an interior drive	20'	10'
8.3.9.3.6	Side setback for principal structure	10'	10'
8.3.9.3.7	Rear setback for principal structure	10'	10'
8.3.9.3.8	Side and rear setbacks for accessory structures	5'	5'

8.3.9.3.9 **Lot Frontage and Lot Width Reduction.** The Planning Board may reduce the minimum frontage and lot width requirements if dwelling unit dimensions, location on curved frontage or a street terminus, or other conditions justify doing so, provided the reduction is consistent with the intent of this Section. Reduced frontage lots shall be located on streets and interior site drives fronting within the interior of the OSRD tract, unless the Planning Board finds that location on a way exterior to the tract is not detrimental to the neighborhood.

8.3.9.3.10 **Front Setback in Multiple Districts.** In cases where an OSRD lies in more than one eligible district, if the tract lies 2/3 or more in one district, the front setback for that district shall apply in total. In cases where the OSRD lies less than 2/3 in one district, the frontage shall be the average of the required minimum front setbacks in the two districts.

8.3.9.3.11 **Side Yard Setback Reduction.** This setback requirement shall apply to detached single-family dwelling units and end units of structures containing single-family attached dwelling units. The Planning Board may reduce the side yard requirement if dwelling unit dimensions or other conditions justify doing so, provided the reduction is consistent with the intent of this Section.

8.3.9.3.12 More than one principal structure may be allowed on one lot.

8.3.9.4 **Density Increases Allowed by Special Permit.** The Planning Board may grant one or more density bonus units beyond the maximum base number of units

allowed pursuant to the Yield Calculation using one or more of the following options:

- 8.3.9.4.1 **Open Space.** For each additional five (5) percent of the tract set aside as common open space above the minimum required below in Section 8.3.7.1, a bonus of ten (10) percent of the Yield Calculation of units may be allowed.
- 8.3.9.4.2 **Affordable Housing.** For every one (1) dwelling unit restricted in perpetuity as affordable housing, as defined in this bylaw, two (2) additional market rate dwelling units may be allowed.
- 8.3.9.4.3 **Moderate Income Housing.** For every one (1) dwelling unit restricted in perpetuity as moderate income housing, as defined in this bylaw, one (1) additional market rate dwelling unit may be allowed.
- 8.3.9.4.4 **Historic Preservation.** For a historically significant building or a major structure, including a barn or other accessory use preserved as part of the OSRD, one (1) additional market rate unit may be allowed. The determination of historical significance shall be made by the Planning Board, which may choose to consult with the Westwood Historical Commission.
- 8.3.9.4.5 **Aggregate Yield.** A density bonus shall be based on any combination of the bonuses listed above, provided that in no event shall the density bonus for the OSRD exceed, in the aggregate, fifty (50) percent of the dwelling units allowed in the Yield Calculation, and provided that all other conditions required in Section 8.3 are met.

8.3.10 Procedures.

8.3.10.1 **Pre-application Meetings.** All OSRD applicants are encouraged to meet informally with the Planning Board prior to submitting an EIDR or Special Permit application, and to accompany this discussion with a Sketch Plan under the provisions of Section 8.3.5.2. The purposes of a pre-application review are to solicit guidance from the Planning Board at the earliest possible stage in the process, in order to identify site design issues and to establish an approximate number of allowed residential dwelling units, thereby keeping the applicant's costs for landscape design, site engineering and other technical expertise to a minimum. At the request and expense of the applicant, the Planning Board may engage technical experts to review the applicant's informal plans and to facilitate submittal of a formal EIDR application.

8.3.10.2 **Sketch Plan.** A sketch plan shall be submitted as part of the EIDR application, defined as a minimally detailed, schematic drawing of the proposed OSRD that

contains sufficient information in regard to existing and proposed conditions to allow the Planning Board to understand the nature and physical impact of the development on the land. Site constraints that figure into the analysis may be delineated from existing secondary sources such as local wetlands maps, Massachusetts Department of Environmental Protection Wetlands Conservancy Program maps, Natural Heritage maps, MA Geographic Information system resources, USDA soils maps, information from deed documentation, and other governmental, institutional and private sources. Applicants are encouraged to submit sketch plans in advance of filing for formal application as the basis of pre-application discussions with the board.

8.3.10.3 **Environmental Impact and Design Review for OSRD.**

8.3.10.3.1 **General.** All OSRD applications shall be subject to the EIDR process in Section 7.3 of this bylaw. The Planning Board may waive particular submission requirements for OSRD's if they are determined to be inapplicable or unnecessary for EIDR review purposes, provided that doing so is consistent with the purposes of this Section.

8.3.10.3.2 **Public Hearing and Decision.** A public hearing shall be conducted by the Planning Board within sixty-five (65) days of submission of the application and plans. Decisions shall be rendered within ninety (90) days of the close of said hearing. Failure to take action within the 90 day period shall be deemed to constitute constructive approval of the EIDR application.

8.3.10.3.3 **OSRD 4-step Design Process.** The application shall contain graphic and written material sufficient to demonstrate to the Planning Board that the four-step design process set forth below was performed by a registered landscape architect, or a team which includes a registered landscape architect, in establishing the layout of open space, housing units and clusters, streets, and lots.

Step One: Identification of Conservation Areas. The first step in the design process shall be to identify, analyze, and incorporate in the plans the natural, hydrological and wetlands resources, wildlife habitat, scenic corridors and views, agriculture, horticulture and forestry operations, cultural resources and other natural and man-made features of value to the community that exist on the OSRD tract and immediate vicinity. In addition, the OSRD concept design shall be considered in the larger context of neighborhood character, transportation and transit services, district land use patterns, cultural issues and other factors that might affect, or be affected by, the OSRD. The outcome of Step One is both to identify likely open space protection areas, and to identify in a

preliminary way the potentially developable parts of the OSRD tract.

Step Two: Location of Housing Sites (Clusters). The second step shall be to locate the approximate siting of residential structures within the potentially developable areas, including the delineation of private yards and shared amenities so as to reflect an integrated community. The number of dwelling units with direct access to the natural and man-made amenities of the OSRD should be maximized.

Step Three: Alignment of Streets, Interior Drives, and Trails. The third step shall be to align streets and interior drives in order to provide access to the housing clusters and residential structures. New trails should be laid out to create internal and external connections to existing and/or potential streets, interior drives, sidewalks, and trails.

Step Four: Drawing of Lots and Easement Lines. The final step shall be to draw in the lot lines depicting the subdivision of the OSRD tract, including all easements and deed restrictions shown on the plan. In the case of condominium or cooperatives without individual lot ownership, assumed lot lines for illustrative purposes may be depicted on the plans.

8.3.11 Common Open Space Requirements.

8.3.11.1 **Minimum Open Space Requirement.** In the SRC and SRE districts, the OSRD shall protect in perpetuity at least forty (40) percent of the total tract as common open space, or fifty (50) percent where the OSRD must employ shared or individual septic systems or other on-site treatment, because no public sanitary sewer collection system is available. In the SRB district, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space. The common open space shall not be further divided or subdivided, and a restriction to such effect shall be noted on the EIDR plans recorded at the Registry of Deeds.

8.3.11.2 **Limitations on Composition of Open Space.** In no case shall more than seventy-five (75) percent of the land area used to satisfy the minimum open space requirement consist of wetlands or other non-buildable land area.

8.3.11.3 **OSRD Open Space Standards.** The landscape shall be preserved in its natural state. When necessary for utilities, roadways and similar purposes which cannot be avoided, or where desirable improvements to the landscape will be made, disturbances shall be minimized, by keeping to a minimum the removal of tree and forest vegetation, the excavation and removal of soil and the major alteration of existing topography. The massing and shape of the open space shall

be designed to maximize its functionality for wildlife habitat and conservation, passive recreation, agriculture, horticulture, forestry, and equestrian use. Cultural and historical resources and scenic amenities may also be incorporated into the open space.

The open space shall be contiguous to the maximum extent possible. Connectivity between open space areas within the development tract, and to open space areas external to it, shall be incorporated wherever possible. No open space area shall be less than 50 feet in its smallest dimension. Open space traversed by a roadway may be considered by the Planning Board to be connected. Not more than five (5) percent of the open space areas may be covered by pavement or paved roads and allowable accessory structures.

Structures located within the common open space shall only include those structures used to support proper use of the open space, including but not limited to equipment storage, temporary shelters, sanitary facilities, and trail information stations. New or existing trails or walkways shall be constructed or retained, as applicable, for the purpose of providing reasonable access to the open space. No cluster, at its nearest point, shall lie farther than three-hundred (300) feet from the closest point of the open space, with the exception of minor adjustments allowed by the Planning Board where compliance with this standard is impractical. Underground utilities, stormwater management facilities, and shared wastewater treatment systems serving the site may be located within the common open space. Surface collection systems such as retention and detention ponds shall not count toward the minimum common open space requirement. Existing or proposed utility easements shall not be counted as common open space unless allowed by the Planning Board.

8.3.11.4 **Ownership, Protection and Maintenance of the Open Space.**

8.3.11.4.1 **Conveyance.** The common open space may be conveyed to any of the following entities:

- 1) The Town of Westwood or its Conservation Commission.
- 2) A non-profit organization whose primary purpose is to conserve and maintain open space.
- 3) A corporation or trust owned jointly or in common by the owners residing in the OSRD. When the open space is conveyed to said corporation or trust, maintenance of the open space shall be guaranteed in perpetuity. The corporation or trust shall provide for mandatory assessments of each lot and unit for maintenance purposes. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions to affect these requirements. Documents creating

such homeowners association, trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

- 8.3.11.4.2 **Conservation Restrictions.** When common open space is not conveyed to the Town or to its Conservation Commission, a conservation restriction or agricultural or forest preservation restriction enforceable by the Westwood Conservation Commission or other board under M.G.L. c. 184, § 31, is required, in compliance with the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources, or their successor agencies. Said restriction shall be recorded in the manner provided by statute. The Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so. The common open space shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth in this Section, and shall be maintained in a manner which will ensure its suitability for its intended purposes.
- 8.3.11.4.3 **Conservation Covenants.** Any common open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction, or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts, shall be subject to a restrictive covenant, which shall be approved by the Planning Board and Board of Selectmen, and which shall be duly recorded at the Registry of Deeds and subject to the Extension of Period provisions in Sections 27 and 28 of M.G.L. chapter 184. The Town of Westwood shall retain the right to enforce such covenants.
- 8.3.11.4.4 **Special Maintenance Provisions.** The Town shall be granted an easement over the common open space in all cases, to ensure its perpetual maintenance as open space consistent with the purposes of this Section. Such easement shall provide that in the event the corporation, trust, or other owner fails to maintain the open space in good functional condition, the Town may, after notice to the owners and a public hearing, enter the common open space to provide reasonable maintenance, in order to prevent or abate a nuisance. The cost of such maintenance shall be assessed against the properties within the development and/or to the owner of the common open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

8.3.12 **Design Standards.** The following minimum design standards shall apply to any OSRD site plan and shall guide the design of the site as an OSRD:

8.3.12.1 **Landscape Preservation.** Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree and vegetative cover removal and alterations to the pre-development natural topography. Mature trees of six (6) inch caliper or greater, measured four feet above average grade level, shall in particular be retained to the maximum practical extent. The location and orientation of housing sites or clusters shall be such as to maintain maximum natural topography. This design-with-the-land approach shall be employed in all site planning, wherein retention of natural topographic and vegetative features, views and natural drainage courses shall be treated as fixed determinants of housing cluster locations or interior drive layouts, rather than altering the site to accommodate a fixed development plan.

8.3.12.2 **Roadway and Infrastructure Design.** The standards for all OSRDs, whether involving a definitive plan approval or not, shall be those of the Westwood Rules and Regulations Governing the Subdivision of Land, in regard to the alignment, width, and design of streets and interior drives in an OSRD, as well as all related infrastructural elements within and along rights of way. Streets and interior drives in an OSRD shall be designed to be in compliance with the locational and dead end standards in those Rules and Regulations. Related infrastructural elements shall include, but not be limited to, the following: sewage collection, water distribution, stormwater management, power and energy transmission, and telecommunications. However, applicants are encouraged to consider alternate designs for interior drives and other infrastructural elements that might involve variations to those standards, including but not limited to narrower rights of way and paved travel lanes, as long as adequate grade, width and construction are maintained. The Planning Board may grant design waivers in accordance with prescribed procedures.

In all cases, streets and interior drives shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views into and within the development site.

8.3.12.3 **Pedestrian and Bicycle Circulation.** Where appropriate, walkways and/or multi-purpose trails shall be provided within the OSRD to connect dwellings with parking areas, recreation facilities and open space, and adjacent land uses.

8.3.12.4 **Visibility of Open Space.** Open space in the OSRD shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

8.3.12.5 **Architectural Design and Neighborhood Compatibility.** In overall scale, architectural detailing, building massing, height, exterior materials, and roofline articulation, residential structures in an OSRD shall be reasonably compatible with existing structures in surrounding residential areas, when there is a functional or visual relationship between the surrounding structures and the proposed structures. The Planning Board may limit and/or redistribute the

number of dwelling units contained in a single structure, if it determines that the proposed structure would otherwise compromise or obstruct desired views from abutting properties or from public ways, or if the proposed configuration has a negative environmental impact upon any abutting property.

8.3.12.6 **Cultural Resources.** The removal or disruption of historic or archaeological resources or traditional or significant uses, structures, or architectural elements shall be minimized.

8.3.12.7 **Stormwater Management.** To the extent practicable, the use of low impact development and soft drainage techniques shall be employed in the design of an OSRD, subject to compliance with all applicable local and state standards and requirements.

8.3.12.8 **Off-street Parking.** All off-street parking in an OSRD shall comply with the requirements of Section 6.0 in this bylaw.

8.3.12.9 **Mix of Housing Types.** Any mix of one or more of the allowed housing types, shall be permitted in an OSRD, up to the maximum number of dwelling units permitted under this Section.

8.3.13 **EIDR Decision.** Approval shall be granted by means of a written EIDR decision, based upon a determination by the Planning Board that the OSRD application meets the criteria below.

8.3.13.1 Consistency with the purposes of this Section.

8.3.13.2 Demonstration of proper and complete application of the OSRD 4-step design process.

8.3.13.3 General consistency with all applicable elements of the EIDR standards in Section 7.3.7.

8.3.13.4 Responsiveness to all applicable elements of the Design Standards in Section 8.3.12.

8.3.13.5 Establishment of measures sufficient to provide for effective protection and maintenance of the common open space.

8.3.14 **Special Permit Decision for Single-family Attached Housing.** Approval shall be granted by means of a written Special Permit decision, based upon a finding by the Planning Board that the OSRD application demonstrates consistency with the standards below:

8.3.14.1 Consistency with the purposes of this Section.

- 8.3.14.2 Demonstration of proper and complete application of the OSRD 4-step design process.
 - 8.3.14.3 General consistency with Section 10.3 [Special Permits] of the Zoning Bylaw.
 - 8.3.14.4 Compatibility with the scale, visual character and amenities of the neighborhood.
 - 8.3.14.5 Compatibility of the single-family attached housing with the other housing types and clusters within the OSRD, using site design, architectural elements, building massing, and open space and landscaping, thereby creating a unified development that succeeds in establishing a harmonious residential environment.
- 8.3.15 **Special Permit Decision for Density Bonus Units.** Approval shall be granted by means of a written Special Permit decision, based upon a finding by the Planning Board that the proposed density bonus meets one or more of the allowed bonuses in Section 8.3.9.4.
- 8.3.15.1 **Limit on Density Yield.** The Planning Board shall further find that the density bonus for the OSRD project will not exceed, in the aggregate, fifty (50) percent of the Yield Calculation of dwelling units.
- 8.3.16 **Special Conditions and Performance Guarantee.** The Planning Board may impose reasonable conditions as part of any EIDR or Special Permit approval and may require suitable performance guarantees to assure compliance with those conditions.
- 8.3.17 **Regulations.** The Planning Board may adopt OSRD rules and regulations consistent with this Zoning Bylaw and the laws of the Commonwealth.

8.4 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

- 8.4.1 **Special Permit Required.** A Senior Residential Development shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.
- 8.4.2 **Conditions.** A SRD shall be subject to the following conditions:
- 8.4.2.1 Occupancy shall be limited to persons who have reached the age of fifty-five (55) years and any close relative residing with such person. For purposes hereof, “close relative” shall mean a spouse, child, parent, grandparent, brother, sister, aunt, uncle, niece or nephew, and shall include a person so related by legal adoption and by the half blood.
 - 8.4.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

- 8.4.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a common function.
- 8.4.2.4 Maximum building height requirements shall be as set forth in Section 5.4.1 of this bylaw unless the Planning Board determines, in its discretion, that any structure may exceed maximum height requirements by up to ten (10) additional feet without having any undue negative affect on surrounding properties.
- 8.4.2.5 All dwelling units shall be designed to accommodate suitable means of access and egress for people with disabilities in conformance with 521 CMR Section 9. Additionally, in cases where supplemental wheelchair ramps and/or lifts are necessary to achieve suitable means of access and egress, architectural plans for individual dwelling units shall demonstrate the location and means of incorporating such ramps and/or lifts. Such ramps and/or lifts shall be installed by the owner of any dwelling unit if required by a resident of said dwelling unit.
- 8.4.2.6 In any project authorized under a SRD Special Permit which will result in the development of more than ten (10) new residential units, a minimum of fifteen percent (15%) of total housing units shall be “affordable” as defined in the Rules and Regulations, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units 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 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.
- 8.4.3 **Types of Permissible Dwellings.** The following types of dwellings may be authorized by SRD Special Permit:
- 8.4.3.1 single-family detached houses;
- 8.4.3.2 two-family houses;
- 8.4.3.3 two-family semi-detached houses;
- 8.4.3.4 townhouse-type dwelling units; or
- 8.4.3.5 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.

- 8.4.4 **Specific Restrictions.** A SRD shall also be subject to the following specific restrictions:
- 8.4.4.1 The dwelling unit density shall not exceed ten (10) dwelling units per acre. To determine the maximum number of dwelling units permitted in the SRD, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer areas or dedicated to public ownership as open space shall be included. The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the Applicant.
 - 8.4.4.2 Where proposed structures are to be developed on existing streets or direct extensions of existing streets, front yard setbacks may be reduced to not less than twenty (20) feet. Where proposed structures are to be developed on new interior drives, front yard setbacks may be reduced to not less than ten (10) feet. There shall be no minimum side or rear setback between structures within a proposed SRD, however each proposed structure shall be set back a minimum of thirty (30) feet from the sides and rear of the perimeter of the SRD.
 - 8.4.4.3 There shall be provided at least one and one-half (1½) off-street parking space per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.
 - 8.4.4.4 The maximum permitted lot coverage for a SRD shall be fifty percent (50%), including roadways and parking areas.
 - 8.4.4.5 Any SRD Special Permit shall incorporate by reference the site plan approval.
- 8.4.5 **Procedures.** An application for a SRD Special Permit shall be filed in accordance with the Planning Board's Rules and Regulations for Special Permits.
- 8.4.6 **Application and Submittal Requirements.** An application for a SRD Special Permit shall include plans in conformance with the Planning Board's Rules and Regulations for Special Permits.
- 8.4.7 **Decision.** A SRD Special Permit shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 8.4.7.1 Impact on the quantity and quality of available housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities;
- 8.4.7.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;
- 8.4.7.3 Impact on the natural environment;
- 8.4.7.4 Impact on vehicular and pedestrian movement and safety;
- 8.4.7.5 Compatibility of the proposed development with the surrounding neighborhood.

8.4.8 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed SRD involving a subdivision from compliance with the Planning Board’s Rules and Regulations Governing the Subdivision of Land or the rules and regulations of any other Town board having jurisdiction. Nor shall this section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

8.5 RESIDENTIAL RETIREMENT COMMUNITY (RRC)

8.5.1 **Special Permit Required.** A Residential Retirement Community shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

8.5.2 **General.** A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored as a Coordinated Unit by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include a restorative care center/skilled nursing facility. A Coordinated Unit is a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include restorative care center/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.

8.5.3 **Restrictions.** A RRC shall be subject to the following restrictions:

- 8.5.3.1 **Age Limitation.** Occupancy of dwelling units shall be limited to persons who have reached the age of sixty-two (62) years and any close relative of a person who has reached the age of sixty-two (62) years, residing with

such person. For purposes hereof, “close relative” shall mean a lineal ancestor, lineal descendant, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

- 8.5.3.2 **Lot Area.** The minimum lot area shall be five (5) acres.
- 8.5.3.3 **Lot Frontage.** The minimum lot frontage shall be one hundred sixty (160) feet.
- 8.5.3.4 **Building Height.** The maximum building height shall be five (5) stories, provided that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings.
- 8.5.3.5 **Density Limitation.** The total number of dwelling units within a RRC shall not exceed four and one-half (4½) dwelling units per acre or one and one-half (1½) nursing facility beds per acre.
- 8.5.4 **Procedures.** An application for a special permit for a RRC shall be filed in accordance with the rules and regulations of the Board of Appeals.
- 8.5.5 **Plans.** An application for a special permit for a RRC shall submit a plan in conformance with the rules and regulations of the Board of Appeals.
- 8.5.6 **Decision.** A special permit for a RRC shall be granted by the Board of Appeals, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.
- 8.5.7 **Compliance with Subdivision Rules and Regulations.** Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

SECTION 9.0 OVERLAY DISTRICTS

9.1 ADULT USES OVERLAY DISTRICT (AUOD)

- 9.1.1 **Purpose.** It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that adult entertainment uses are distinguishable from other business uses and that the location of adult entertainment uses degrade the quality of life in the areas of the community where they are located, with impacts including increased levels of crime, blight and late hours of operation resulting in noise and traffic late into the night. Therefore this Bylaw is enacted pursuant to M.G.L. Chapter 40A, Section 9 and Section 9A to serve compelling Town interests by regulating and limiting the location of adult entertainment enterprises as defined herein. The regulation of the Adult Uses Overlay District (AUOD) is to provide detailed review of the location, design and operation of Adult Uses to minimize any adverse impacts on the character of the Town and nearby properties and preserve the quality of its neighborhoods, commercial district and the quality of life through effective land use planning.
- 9.1.2 **Location.** The AUOD is herein established as an overlay district. The AUOD shall include the area as shown on the Zoning Map, located east of University Avenue, between Yale Street and Rosemont Road. The AUOD is located on the following parcels as shown on the Westwood Board of Assessors Map 38, Lots 3, 4, 5, 9 and 14, as of May 5, 1997.
- 9.1.3 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the AUOD may be used for any purpose permitted as of right or by special permit in the underlying district.
- 9.1.4 **Special Permit Uses.** Adult Uses may be authorized in the AUOD by special permit from the Board of Appeals subject to the following requirements and conditions:
- 9.1.4.1 Except as permitted herein, Adult Uses may not be located within five hundred (500) feet of any Single, General or Special Residence District, except as separated by a limited access highway, which is part of the interstate highway system, or an active railroad right-of-way with no at-grade vehicular crossing accessing said Districts or within five hundred (500) feet of any church, school, park, playfield or any establishment licensed under the provisions of M.G.L. Chapter 138, Section 12, or any establishment with a common victualler license that allows consumption of alcoholic beverages on its premises. The distances specified above shall be measured by the minimum horizontal distance from the lot line of the premises of any of the uses and/or zoning districts set forth herein to the lot line of the premises of the Adult Use.

- 9.1.4.2 Appearance of buildings for Adult Uses shall be consistent with the appearance of buildings in similar (but not specifically ‘adult’) use in the Town, not employing unusual color or building design which would attract attention to the premises.
- 9.1.4.3 Special permits shall be granted for Adult Uses only upon determination by the Board of Appeals that the location and design of the facility is in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not involve minors in any way.
- 9.1.4.4 A special permit granted for an Adult Use shall be subject to annual renewal.

9.2 FLOOD AREA OVERLAY DISTRICT (FAOD)

- 9.2.1 **Purpose.** The purpose of the Flood Area Overlay District (FAOD) is to reduce flood losses, to preserve and maintain the ground water table, to protect the public health and safety of persons and property against hazards of flood water inundation and to limit and control the development of flood prone areas.
- 9.2.2 **Location.** The FAOD is herein established as an overlay district. The FAOD includes all Special Flood Hazard Areas, designated as Zone A and AE as set forth on the Norfolk County Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, including map panels 25021C0038E, 25021C0039E, 25021C0159E, 25021C0176E, 25021C0177E, 25021C0178E, 25021C0179E, 25021C0181E, 25021C0183E, 25021C0184E, and 25021C0186E, effective as of July 17, 2012. The exact boundaries of the FAOD are defined by the one percent (1%) annual chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Board of Health and Building Commissioner.
- 9.2.3 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the FAOD may be used for any purpose permitted as of right or by special permit in the underlying district.
- 9.2.4 **Development Standards.** The following development standards shall apply within the FAOD:
 - 9.2.4.1 All development in the district, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with:

- a. Chapter 131, Section 40 of the Massachusetts General Laws, as amended from time to time;
- b. Sections of the Massachusetts State Building Code addressing floodplain and coastal high hazard areas, under 780 CMR, as amended from time to time;
- c. Wetlands Protection Regulations promulgated by the Massachusetts Department of Environmental Protection (MA-DEP), under 310 CMR 10.00, as amended from time to time;
- d. Inland Wetlands Restrictions promulgated by MA-DEP, under 310 CMR 13.00, as amended from time to time; and
- e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, promulgated by MA-DEP under 310 CMR 15, Title 5.

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

- 9.2.4.2 In Zone AE, along watercourses that have a regulatory floodway designated on the FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 9.2.4.3 In Zones A and AE, along watercourses that have no designated regulatory floodway, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 9.2.4.4 New construction or substantial improvement of residential structures within the FAOD shall have the lowest floor (including basement) elevated to or above the one percent (1%) annual chance flood level as shown on the FIRM. Nonresidential structures within the FAOD shall either be similarly elevated or, together with attendant utility and sanitary facilities, be watertight flood-proofed to or above the one percent (1%) annual chance flood level. Substantial improvement shall include any repair, construction or alteration costing fifty percent (50%) or more of the actual cash value of the structure before improvement or, if damaged, before damage occurred.
- 9.2.4.5 Where watertight flood-proofing of a structure is permitted, a Registered Professional Engineer or Registered Professional Architect shall certify to the Building Commissioner that the methods used are adequate to

withstand the flood depths, pressures and velocities, impact and uplift forces and other factors associated with the one percent (1%) annual chance flood level. In all events, construction shall conform with the minimum standards of the Massachusetts State Building Code. The Building Commissioner shall obtain and maintain records of elevation and flood-proofing for new construction or substantial improvements to existing sites and these certificates shall be maintained for a permanent record by the Building Commissioner.

9.2.4.6 Base flood elevation data shall be required for developments involving more than 5 acres or more than 50 lots, within unnumbered A zones.

9.2.5 **Exemption by Special Permit.** The Board of Appeals may by special permit exempt from the requirements of this Section any structures within the FAOD which would be functionally impaired by such measures, which would require waterside location and which are not used for sustained human occupancy; provided that the Board of Appeals finds that such structures do not substantially derogate from the purposes herein.

9.2.6 **Notification of Watercourse Alteration.** The Town Engineer shall notify adjacent communities, the National Flood Insurance Program (NFIP) State Coordinator, and the NFIP Program Specialist, of any alteration or relocation of a watercourse.

9.3 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)

9.3.1 **Purpose.** The purpose of the Water Resource Protection Overlay District (WRPOD) is to protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town and to protect public health by preventing excessive degradation of the Town's water resources.

9.3.2 **Location.** The WRPOD is herein established as an overlay district. The WRPOD shall include the areas as shown on the Zoning Map, around White Lodge Wells 1, 2, 3 and 4; Rockmeadow Well; and Buckmaster Pond.

9.3.3 **Definition.** For purposes of this Section, 'dispose' shall be construed consistently with 'disposal' as that term is defined in 310 CMR 30.010; that is, to be on-site disposal, whether planned or accidental, but not such things as are transported from the site subject to Department of Environmental Protection-approved manifests.

9.3.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the WRPOD may be used for any purpose permitted as of right or by special permit in the underlying district; provided that application for a building or occupancy permit for a nonresidential use within the WRPOD must include documentation that the proposal has been reviewed for compliance with water resource protection requirements set forth herein, and must include documented assurance that there will be compliance with any conditions to agency approvals. The following uses shall be deemed to be permitted in the WRPOD

provided that they meet the hazardous material storage requirements set forth in Subsection 9.3.7.5 herein and may also be subject to regulations as may otherwise be provided herein:

- 9.3.4.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes, but only in quantities associated with normal household use and only if otherwise allowable at that location;
- 9.3.4.2 Storage of liquid petroleum products of any kind, but only if incidental to the following:
 - 9.3.4.2.1 normal household use, ordinary maintenance, the heating of a structure and de minimis accessory uses;
 - 9.3.4.2.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
 - 9.3.4.2.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
- 9.3.4.3 Facilities that generate, treat, store or dispose of hazardous waste which is subject to M.G.L. Chapter 21C and 310 CMR 30.00, but only for the following:
 - 9.3.4.3.1 very small quantity generators as defined under 310 CMR 30.00;
 - 9.3.4.3.2 waste oil retention facilities required by M.G.L. Chapter 21, Section 52A;
 - 9.3.4.3.3 treatment works approved under 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
- 9.3.5 **Special Permit Uses.** The following uses may be authorized in the WRPOD by special permit from the Board of Appeals and may also be subject to regulations as may otherwise be provided herein:
 - 9.3.5.1 Any use of land or buildings which involves the generation, treatment, storage, disposal or other handling of toxic or hazardous materials or wastes in quantities greater than those associated with normal household use and only if otherwise allowable at that location. The storage of hazardous materials shall meet the requirements of Subsection 9.3.7.5 and such storage and transfer safety requirements as the Board of Appeals may require.

- 9.3.5.2 Storage of liquid petroleum products of any kind for the sole use for emergency or back-up generators only for business, professional or other office uses where the Board of Appeals determines that such generator is required by statute, rule, regulation or operational necessity and where the Board of Appeals determines that the use of alternative fuels such as propane or natural gas is not feasible for the demonstrated need. The storage of liquid petroleum shall meet the hazardous materials storage requirements set forth in Subsection 9.3.7.5 herein and such storage and transfer safety requirements as the Board of Appeals may require.
- 9.3.5.3 Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. Chapter 128, Section 64, but only in a structure with an impermeable cover and liner which the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate.
- 9.3.5.4 Stockpiling of animal manures, but only in a structure with an impermeable cover and liner which the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate.
- 9.3.5.5 New buildings or structures, parking areas, disposal facilities, point source discharges, or additions to any of those, which are located within four hundred (400) feet of a public water supply well, or change in use within existing buildings or structures to a use prohibited or requiring a special permit hereunder, unless the portion of such development lying within four hundred (400) feet of a public water supply well is essential to the provision of public water supply, but only upon determination by the Board of Appeals that denial of such development would result in a substantial economic loss for the property involved, and that any threat from proposed development to the integrity of water quality has been minimized.

9.3.6 **Prohibited Uses.** The following uses are prohibited in the WRPOD:

- 9.3.6.1 Landfills and open dumps, as defined in 310 CMR 19.006;
- 9.3.6.2 Landfilling of sludge and septage;
- 9.3.6.3 Automobile graveyards and junkyards, as defined in M.G.L. Chapter 140B, Section 1;
- 9.3.6.4 Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways;
- 9.3.6.5 Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice which has been removed from roadways located outside of the WRPOD; and

9.3.6.6 Removal of soil except for excavations for the construction of building foundations, roadway construction or the installation of utility works, the removal of soil, loam, sand, gravel or any other mineral substances within four (4) feet of the historical high water level, as determined by the Board of Health, unless the substances removed are deposited on site to achieve a final grading greater than four (4) feet above the historical high water mark within forty-five (45) days of removal.

9.3.7 **Requirements.** The following requirements shall apply in the WRPOD:

9.3.7.1 **Minimum Lot Area.** The minimum lot area shall be as required in the underlying zoning district.

9.3.7.2 **Drainage.** All drainage shall meet the stormwater management standards adopted and as amended from time to time by the Massachusetts Department of Environmental Protection. The WRPOD is a “critical area” under these standards.

9.3.7.3 **Vegetation.** No less than twenty percent (20%) of that portion of the lot area situated within a WRPOD shall be maintained as a vegetation area. If impervious materials cover more than fifteen percent (15%) of that portion of the lot area situated within a WRPOD, all storm drainage shall be recharged on-site.

9.3.7.4 **Split Lots.** Where the premises are partially outside of the WRPOD, site design shall to the degree feasible locate potential pollution sources such as on-site disposal systems outside of the WRPOD.

9.3.7.5 **Storage of Hazardous Materials.** Liquid hazardous materials, as defined in M.G.L. Chapter 21E, and also as required herein, shall be stored in the WRPOD only if stored above ground level and on an impervious surface and either in 1) a container or above ground tank within a building, or 2) outdoors in a covered container or above ground tank. All such containers and tanks shall be located in an area that has a containment system designed and operated to hold either ten percent (10%) of the total possible storage capacity of all containers, or one hundred ten percent (110%) of the largest container’s storage capacity, whichever is greater. These storage requirements shall not apply to storage of products used for normal household use in quantities associated with normal household use. These storage requirements shall not apply to the replacement of existing tanks or systems for the dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.

- 9.3.7.6 **Public Sewer.** All uses requiring wastewater disposal shall be connected to a public sewerage system if available, and if such system is not available, any on-site disposal system shall be subject to the limitations of 310 CMR 22.21(2)(a) 5 and 6.
- 9.3.8 **Application.** Application for a special permit in a WRPOD shall include the following:
- 9.3.8.1 The written opinion of a Registered Professional Engineer, addressed to the Board of Appeals, as to the impact of the proposed use upon the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town. This opinion shall bear the stamp and signature of the Professional Registered Engineer responsible for its preparation;
- 9.3.8.2 Complete listing of toxic or hazardous materials which are to be:
- 9.3.8.2.1 stored, manufactured or used on or transported over any land in the WRPOD in such a quantity that the use, spilling or discharge thereof might cause a danger to public health or safety; and/or
- 9.3.8.2.2 contained in industrial wastewater or sewage generation in excess of six (6) gallons per day per one thousand (1,000) square feet of lot area or fifteen thousand (15,000) gallons per day total. Such listing shall be accompanied by a description of measures to prevent vandalism, spills, corrosion and leakage and by a spill control plan;
- 9.3.8.3 Description of any hazardous or toxic waste to be generated;
- 9.3.8.4 Such further description of the proposed use and its operation as necessary to demonstrate that the use is not prohibited by this Section and will be in compliance with each of the requirements set forth herein;
- 9.3.8.5 Evidence of conformity with applicable requirements of the Massachusetts Department of Environmental Protection and of Town Bylaws and regulations, such as Article 17, the Hazardous Materials Bylaw;
- 9.3.8.6 Locus plan at an appropriate scale showing the boundaries of the property subject to the application in relation to the WRPOD boundaries; and
- 9.3.8.7 Site plan, if required by the Board of Appeals.
- 9.3.9 **Referral of Application to Other Boards.** Within ten (10) days after receipt of the WRPOD special permit application, the Board of Appeals shall forward a copy thereof to the Building Commissioner, Dedham-Westwood Water District, Planning Board,

Conservation Commission, Board of Health and Fire Chief which may, at their discretion, conduct such investigations as they deem to be appropriate and report in writing their recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from said review agencies or until thirty-five (35) days has elapsed after receipt of such application without submission of a report. If such report is not received by the Board of Appeals within said thirty-five (35) days, it shall be deemed lack of objection to the issuance of the special permit.

9.3.10 **Review Meetings.** The Applicant or any one of the review agencies may request that the Building Commissioner schedule a meeting of said review agencies to perform a preliminary staff review of the proposed application in an effort to identify relevant issues and the regulatory framework applicable to the proposed project during the review period. 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 of Appeals.

9.3.11 **Decision.** A special permit required pursuant to this Section shall be granted by the Board of Appeals only upon its written determination of the following:

9.3.11.1 the application materials are sufficiently detailed, definite and credible to support positive findings relative to the standards of the Bylaw;

9.3.11.2 the proposed use meets the standards of this Section;

9.3.11.3 neither during construction nor thereafter will the use have material adverse impact upon the existing or potential quality or quantity of the existing and potential groundwater supply and groundwater recharge areas in the WRPOD; and

9.3.11.4 proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure.

9.3.12 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Board of Appeals to hire consultants in connection with the review and evaluation of applications for special permits under this Section. The Board of Appeals will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the Applicant to that effect.

9.4 WIRELESS COMMUNICATIONS OVERLAY DISTRICT (WCOD)

9.4.1 **Purpose.** The purpose of the Wireless Communications Overlay District (WCOD) is to permit and regulate the use of wireless communications facilities within the Town and to encourage their location and use in a manner which minimizes negative visual and environmental impacts. It is intended that this Section be in compliance with the Federal Telecommunications Act of 1996. This Section does not apply to the construction or use

of an antenna structure by a federally licensed amateur radio operator, as exempted by M.G.L. Chapter 40A, Section 3.

9.4.2 **Location.** The WCOD is herein established as an overlay district. The WCOD shall comprise all land within the following zoning districts:

Administrative-Research-Office (ARO)
Highway Business (HB)
Industrial (I)
Industrial-Office (IO)

and also the following parcels as shown on the Westwood Board of Assessors' Map, as of January 1, 1998:

Parcel 4-001 (Boston Edison easement within Hale Reservation)
Parcel 9-065 (Dedham-Westwood Water District water towers)
Parcel 14-046 (High Street Fire Station)
Parcel 14-071 (Town Hall)
Parcel 14-072 (Police Station)
Parcel 14-079 (Colburn School)
Parcel 14-094 (Deerfield School)
Parcel 14-096 (St. Johns Episcopal Church)
Parcel 14-140 (First Baptist Church)
Parcel 16-005 (Hanlon School)
Parcel 16-250 (First Evangelical Free Church)
Parcel 16-238 (St. Denis Church)
Parcel 21-044 (St. Margaret Mary Church)
Parcel 21-047 (Thurston Middle School)
Parcel 21-048 (Westwood High School)
Parcel 21-050 (First Parish of Westwood United Church)
Parcel 21-064 (First Parish of Westwood United Church)
Parcel 23-215 (Islington Fire Station)
Parcel 23-189 (Islington Community Church)
Parcel 24-135 (Downey School)
Parcel 28-077 (Sheehan School)
Parcel 28-329 (Temple Beth David)
Parcel 35-089 (Martha Jones School)
Grove Street, from the intersection of Grove Street and Country Club Road to Route 128

9.4.3 **Definition.** Wireless communications facility consists of towers, antennas, receiving or transmitting equipment of any kind, and any other equipment or structure, including access ways or landscaping, used to support wireless communications activities such as cellular telephone service, personal communications service (PCS), enhanced specialized mobile radio service, paging and any other functionally equivalent service.

- 9.4.3.1 Minor wireless communication facility has all operating components located within an existing building or structure and is not visible from the exterior or, if located on the outside of an existing building or structure, telecommunications tower or pole, utility tower or pole, water tower or related facility, is no more than ten (10) feet in height.
- 9.4.3.2 Major wireless communications facility is one not meeting the limitations specified for a Minor wireless communications facility.
- 9.4.4 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the WCOD may be used for any purpose permitted as of right or by special permit in the underlying district. Wireless communication facilities, whether Major or Minor, shall not be permitted outside the boundaries of the WCOD.
- 9.4.5 **Permits Required.**
 - 9.4.5.1 Minor wireless communications facilities to be located entirely within the interior of an existing building or structure, not visible from the exterior, and not involving a change to the exterior size or appearance of the building or structure, shall be a permitted use in the WCOD provided that the wireless communications facility receives a building permit from the Building Commissioner.
 - 9.4.5.2 Minor wireless communications facilities to be located on the exterior of an existing building or structure, such as a communications tower or pole, utility transmission tower or pole, water tower or related facility, shall be a permitted use in the WCOD provided that the wireless communications facility is no more than ten (10) feet in height, adds no more than ten (10) feet in height to the building or structure, and receives approval pursuant to Section 7.3, Environmental Impact and Design Review Approval.
 - 9.4.5.3 Major wireless communications facilities in the WCOD shall require a special permit from the Planning Board in compliance with the provisions pursuant to this Section.
- 9.4.6 **Application.** Application for a permit in a WCOD shall include the following, except to the extent waived by the Planning Board:
 - 9.4.6.1 Locus map at a scale of 1":200' which shall show all streets, landscape features, dwellings units and all other structures within five hundred (500) feet of the proposed wireless communications facility.
 - 9.4.6.2 Site plan prepared by a Registered Professional Engineer at a scale of 1":40' which shall show the following information:

- 9.4.6.2.1 Location, size and height of the wireless communications facility, including the location, size and height of all accessory structures and equipment;
 - 9.4.6.2.2 Property boundaries of the site;
 - 9.4.6.2.3 Topographical site information, including existing and proposed elevations;
 - 9.4.6.2.4 Fencing, landscaping, lighting and signage;
 - 9.4.6.2.5 Areas to be cleared of vegetation and trees;
 - 9.4.6.2.6 Location and identification of all existing buildings, structures and uses of land located on the site; and
 - 9.4.6.2.7 Location and identification of all existing buildings, structures and uses of land located within five hundred (500) feet of the property boundaries of the site.
- 9.4.6.3 Profile or elevation drawings to illustrate the view lines from the wireless communication facility to all nearby residences and public areas.
- 9.4.6.4 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.
- 9.4.6.5 Description of the wireless communications facility and the technical, economic and other reasons for the proposed location, height and design.
- 9.4.6.6 Visual representation of the area of solid Radiofrequency Radiation (RFR) coverage and the area of marginal RFR coverage of the wireless communications facility.
- 9.4.6.7 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 communications 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.

- 9.4.6.8 For a Major wireless communications facility, a description of its capacity, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
- 9.4.6.9 Documentation that the Applicant has the legal right to install and use the wireless communications facility.
- 9.4.6.10 After the submittal of an application, the Planning Board may require that the Applicant perform a “balloon test” or other test in the field sufficient to illustrate the proposed height and location of the wireless communications facility in relation to the surrounding area.

9.4.7 Development Standards.

- 9.4.7.1 An Applicant proposing a wireless communications facility must demonstrate to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal. The Applicant must also demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
- 9.4.7.2 To the extent possible, wireless communications facilities shall be located on existing buildings or structures, including, but not limited to, buildings, telecommunications facilities, utility transmission towers, fire towers, water towers and related facilities, provided that such installation preserves the character and integrity of these structures. The Applicant shall have the burden of documenting that there are no feasible existing structures upon which to locate.
- 9.4.7.3 Co-location of wireless communications facilities is encouraged. The Applicant shall demonstrate to the satisfaction of the Planning Board that a good faith effort has been made to co-locate on an existing structure or on an existing Major or Minor wireless communications facility.
- 9.4.7.4 Major wireless communication facilities shall be designed and constructed to accommodate the maximum number of wireless communication uses technologically practical.
- 9.4.7.5 All antennas on a Major wireless communications facility shall be single unit cross-polar antennas.
- 9.4.7.6 The highest point of an antenna support structure or any component thereof or attachment thereto shall not exceed one hundred (100) feet above ground level. Antenna support structures shall be buildings, wooden poles or guyed lattice towers, or where appropriate to the surrounding area, monopoles disguised as flag poles or trees. The sides of

any Major wireless communications facility shall be no more than three (3) feet at their widest point.

9.4.7.7 Wireless communications facilities shall not be lighted unless required by the Federal Aviation Administration (FAA), or unless after consultation with the Police and Fire Chiefs, the Planning Board requires such lighting for public safety reasons.

9.4.7.8 Signs posted for advertisement or any other reasons shall not be allowed on or in the vicinity of a Major wireless communication facility, with the exception of one (1) sign not exceeding four (4) square feet in area at the facility which shall display the name and telephone number of the person and company responsible for the maintenance of the facility. The signage shall also display a 'No Trespassing' warning.

9.4.7.9 Fencing shall be provided to control access to the base of a Major wireless communications facility. The fencing shall be compatible with the scenic character of the Town and shall not consist of barbed wire or razor wire.

9.4.8 **Discontinuance of Use.** A wireless communications facility, and all accessory equipment, shall be removed within six (6) months of abandonment or discontinuation of use. As a condition of any special permit for the placement, construction or modification of a Major wireless communications facility, the Applicant shall provide a bond, in a form acceptable to the Town, or shall place into escrow a sum of money sufficient to cover the costs of removing the facility from the subject property and said funds shall be held by an independent escrow agent to be appointed by the Applicant and the Planning Board. The amount of the surety shall be certified by a Registered Professional Engineer or Registered Professional Architect. The Applicant shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the Town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.

9.4.9 **Time Limitation.** A special permit issued for a Major wireless communications facility over fifty (50) feet in height shall be valid for a period of five (5) years. At the end of this time period, the Major wireless communications facility shall be removed by the Applicant unless the Applicant receives approval from the Planning Board to renew the special permit for an additional five (5) years.

9.5 FLEXIBLE MULTIPLE USE OVERLAY DISTRICT (FMUOD)

9.5.1 **Purpose.** The purpose of the Flexible Multiple Use Overlay District (FMUOD) is as follows:

9.5.1.1 to provide a desirable mix of land uses, including office, retail, service and residential uses, that will serve Town and regional interests in housing, employment, conservation and net tax revenue;

- 9.5.1.2 to promote creative, efficient and appropriate solutions to the development of complex sites and encourage redevelopment of underutilized properties by providing greater flexibility of design and promoting more efficient use of land while remaining sensitive to surrounding properties and natural resources;
 - 9.5.1.3 to encourage the development of comprehensive projects of appropriate scale in transit-oriented locations and areas that provide proximate access to major transportation routes;
 - 9.5.1.4 to promote walking, bicycling, and public transportation, by encouraging complementary uses and facilities that support such objectives;
 - 9.5.1.5 to encourage a comprehensive approach to site design, by considering buildings, open space, landscaping and site amenities, circulation patterns and parking, in an integrated manner, so as to create an aesthetically pleasing environment, without causing substantial detriment to abutting neighborhoods; and
 - 9.5.1.6 to eliminate duplication of effort and foster coordination between applicable town boards and committees, which may be responsible for review of a proposed development project.
- 9.5.2 **Location.** Five distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 and FMUOD 5 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:
- 9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.
 - 9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.
 - 9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.
 - 9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple

Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.

- 9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.
- 9.5.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all FMUOD Special Permits.
- 9.5.4 **Regulations.** The Planning Board shall adopt rules and regulations for the administration of this Section (henceforth referred to as the “Rules and Regulations”). Such Rules and Regulations shall include, but not be limited to, the following: application and submittal requirements, fees, review procedures, reimbursement for consultants, performance guarantees, and procedures for the consideration of permit extensions.
- 9.5.5 **Special Permit Required.** Development under this Section requires a FMUOD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the FMUOD Special Permit. In such case, a consolidated Special Permit Application shall be acted upon by the Planning Board in accordance with the requirements of this Section, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the FMUOD Special Permit, and no separate EIDR Approval shall be required.
- 9.5.6 **Phased Developments.** Development under this Section may be approved in one or more phases authorized under a single FMUOD Special Permit. The FMUOD Special Permit for a project approved for development in two or more phases shall include an approximate development timeline and anticipated construction schedule in conformance with the Rules and Regulations. An FMUOD Special Permit for a phased development shall be granted by the Planning Board based on the Planning Board’s approval of final plans for one or more early phases of the development, along with the Planning Board’s approval of preliminary plans for future phases of the development. In such instance, the FMUOD Special Permit shall be amended by Planning Board approval of final plans for each subsequent phase of development as such plans become available. Once final plans for any phase of development are approved under a FMUOD Special Permit or any amendment to that FMUOD Special Permit, such plans shall be deemed to be in compliance with the provisions of this Bylaw, and the Planning Board shall not require amendment of said approved final plans. Upon the issuance of a FMUOD special permit approval under this Bylaw for any individual phase, such phase shall be deemed to be in compliance with the provisions of this Bylaw, notwithstanding the status of any other

phase and/or any noncompliance of such other phase with the phasing plan, or phasing requirements set forth herein or otherwise.

9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 or FMUOD 5, whether held in common or separate ownership.

9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.

9.5.8.1 **Uses Permitted by FMUOD Special Permit in any FMUOD:**

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Fast order food establishment, provided such establishment is wholly within an office or other non-retail building and is not presented as available for use of the general public;
- 9.5.8.1.8 Ice cream shop;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Research and development facility;
- 9.5.8.1.14 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Retail sales and services establishment, less than 15,000 sq. ft.;
- 9.5.8.1.16 Shuttle service system.

9.5.8.2 **Additional Uses Permitted by FMUOD Special Permit in FMUOD1:**

- 9.5.8.2.1 Fast order food establishment, not within 300 feet of a residentially-zoned parcel not included within the project authorized by FMUOD Special Permit;
- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Restaurant with or without entertainment, 10,000 sq. ft. or more;

9.5.8.2.7 Retail sales and services establishment, 15,000 sq. ft. or more.

9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:

9.5.8.3.1 Hotel.

9.5.8.4 Uses Permitted by FMUOD Special Permit in FMUOD3:

9.5.8.4.1 Assisted living residence;

9.5.8.4.2 Multi-family dwelling.

9.5.8.5 Accessory Uses Permitted by FMUOD Special Permit in all FMUOD

districts: Any use accessory to a use permitted by FMUOD Special Permit may be permitted pursuant to that same permit, irrespective of whether such use is located on the same lot as the principal use, provided that the principal use to which such use is accessory shall be clearly identified, and further provided that such accessory use shall be specifically reviewed and approved by the Planning Board in the FMUOD Special Permit.

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

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>
9.5.9.1	Minimum Project Area	30 acres	5 acres	10 acres	5 acres	5 acres
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.				
9.5.9.3	Maximum Building Height	70 feet ¹	80 feet	45 feet	45 feet	45 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 ²	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity

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

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

9.5.10 **Alternative Parking Arrangements.** The alternative parking arrangements set forth in Sections 9.5.10.1 through 9.6.10.2 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

9.5.10.1 **Parking Space Requirements.** Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. In making such determination, the Planning Board may consider complementary uses and activities having different peak demands, transportation demand management (TDM) measures, and such other means as may be applicable.

9.5.10.2 **Joint Off-street Parking.** Joint off-street parking arrangements may be permitted when determined by the Planning Board to be appropriate.

9.5.11 **Alternative Sign Requirements.** The alternative sign requirements set forth in Sections 9.5.11.1 through 9.6.11.10 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

9.5.11.1 **Definitions.** For the purposes of these alternate sign requirements, the following terms shall be defined as indicated below:

9.5.11.1.1 **Awning Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.

9.5.11.1.2 **Development Identification Sign.** A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.

9.5.11.1.3 **Directional Sign.** A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. "No Parking", "One Way", "No Outlet", and "Do Not Enter" are examples of directional signs.

9.5.11.1.4 **Directory Sign** A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.

9.5.11.1.5 **Projecting Sign.** A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that

any part of said sign extends more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.6 **Temporary Construction Sign.** A sign at a site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information.

9.5.11.1.7 **Wall Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.8 **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. "Retail Center Parking", "Shuttle Bus Stop Ahead", "Exit to Providence Highway", "Additional Parking in Rear" are examples of way finding signs.

9.5.11.1.9 **Window Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

9.5.11.2 **Development Identification Sign.** A project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2) faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

9.5.11.3 **Individual Business Identification Signs.** Individual business identification signs shall be permitted as follows:

9.5.11.3.1 **Wall or Awning Signs.** Any combination of wall signs and awning signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, up to a maximum of two hundred (200) square feet of wall and/or awning signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. In no case shall any individual letter exceed five (5) feet in height, nor shall any logo or graphic

representation exceed ten (10) feet in height. Awning signs shall have at least 8 feet clearance above the pedestrian grade and shall be setback at least 4 feet from the adjacent curb. No awning sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Wall signs and/or awning signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.2 **Projecting Signs.** One projecting sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed eight (8) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 4 feet from a building facade. No such projecting sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Projecting signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.3 **Window Signs.** Window signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, up to a maximum of fifty (50) square feet of window signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Window signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.4 **Directional Signs.** Directional signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional signs shall not exceed two (2) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.

9.5.11.5 **Way Finding Signs.** Way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to

provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

- 9.5.11.6 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of seven (7) feet above ground.
- 9.5.11.7 **Temporary Construction Signs.** Temporary constructions signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.8 **Way Finding Signs.** Way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.
- 9.5.11.9 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed thirty-five (35) square feet in area or seven (7) feet in height.
- 9.5.11.10 **Temporary Construction Signs.** Temporary constructions signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area or six (6) feet in height. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.11 **Prohibited Signs.** Billboards, roof signs, internally illuminated signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.5.11.5), flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any project authorized under a FMUOD Special Permit. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such signs meet all other provisions of this Section.
- 9.5.11.12 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets,

posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.

9.5.11.13 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

9.5.12 **Waivers.** The Planning Board may grant waivers from some or all of the requirements set forth in Sections 9.5.9 through 9.5.11, and/or some or all of the dimensional, parking and sign requirements contained elsewhere in this bylaw if, in its determination, such waivers will result in a substantially improved project, and if, in its determination, such project will otherwise meet the performance and design standards set forth in this Section, and if, in its determination, such waiver 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 this Section.

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than one-third (1/3) of the total gross floor area of any project authorized under a FMUOD Special Permit. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed one-third (1/3) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use.

9.5.14 **Housing Affordability Requirements.** In any project authorized under a FMUOD Special Permit which will result in the development of more than ten (10) new residential units, a minimum of fifteen percent (15%) of total housing units shall be “affordable” as defined in the Rules and Regulations, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units 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 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.

9.5.15 **Performance and Design Standards.** No FMUOD Special Permit shall be granted unless the Planning Board finds that the project meets the following performance and design standards:

9.5.15.1 **Performance Standards.**

9.5.15.1.1 **Environmental Impact Standards.** All FMUOD projects shall conform to all applicable Environmental Impact Standards, including but not limited to the following areas of potential impact:

9.5.15.1.1.1 **Air Quality.** Any use or activity which requires an air quality permit from the Massachusetts Department of Environmental Protection (MA- DEP) or successor agencies, under 310 CMR 6.00 to 8.00, as amended from time to time, shall require the submission of documentation that such air quality permit has been applied for or obtained.

9.5.15.1.1.2 **Noise.**

- a. Any use or activity on a property shall not produce sound pressure levels that exceed an existing background sound pressure level in excess of:
 - i. 10dBA at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
 - ii. 15dBa at any outer perimeter boundary of the development tract that abuts any predominantly non-residential district.
 - iii. 15dBa anywhere within the development tract.

Background or existing sound pressure level is defined as the level on the A-weighted sound pressure scale that is exceeded 90% of the time in the quietest 60 minute time interval that occurs during any hours of operation.

- b. Impulsive or intermittent sounds shall not exceed the sound pressure level limits in 9.6.14.1.1.2, a. i., ii. & iii. above, for a duration not to exceed a cumulative total of one minute within any single hour.
- c. No user or activity shall produce a sound pressure level that is in excess of:
 - i. 50dBA nighttime and 60dBA daytime at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors

such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.

- ii. 60dBA nighttime and 65dBA daytime at any perimeter boundary of the development tract that abuts any predominantly non-residential district.
- iii. 65dBa anywhere within the development tract.
- d. “Pure tone” conditions that are typically produced by facilities such as heating, ventilation and air conditioning systems, outdoor transformers or energy generation systems shall be designed so as to generally comply with widely-applied standards for pure tone levels from the American Noise Standards Institute/American Standards Association. ANSI/ASA S3.21-2004 (R2009) as amended from time to time.

9.5.15.1.1.3 **Vibration.** Any use or activity shall not produce vibration, measured at any receptor internal or external to the permitted site, that exceeds the combined-axis, one-third octave band vibration accelerations of the American National Standards Institute, Section 3.29 or currently applicable standards regulating human vibration exposure, or associated sound levels in the 31.5 Hz octave band or lower, in which a sound pressure level of 65 dB is exceeded. Exceptions shall include public gatherings and special events, emergency and public safety vehicle operations, use of outdoor maintenance equipment, temporary construction of buildings or infrastructure, or similar activity conducted for public benefit.

9.5.15.1.1.4 **Electrical Disturbances.** Any use or activity shall not produce electromagnetic interference on a repeat or prolonged basis, in any electrical or electronic device used by receptors internal or external to the permitted site.

9.5.15.1.1.5 **Cultural, Historical and Archeological Resources.** Where there is evidence on a development tract of a resource that is on or eligible for inclusion on the Massachusetts

Register of Historic Places, or where the tract overlies a designated Historic District under state or federal auspices, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to the cultural, historic or archaeological resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.6 **Natural Resources and Habitat.** Where there is evidence on a development tract of sensitive natural resources, whether in the form of vegetation communities, wildlife habitat or hydrological systems, especially as identified in the Massachusetts Natural Heritage Program, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to those resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.7 **Construction Solid Waste Management.** An application shall include documentation of satisfactory arrangements for the disposal of tree stumps and debris resulting from construction. An application shall also include documentation of satisfactory permanent arrangements for on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

9.5.15.1.1.8 **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the infrastructure shall be subject to reasonable visual mitigation requirements, including but not limited to, modified site location, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods determined by the Planning Board to be necessary to assure an attractive visual environment.

9.5.15.1.2 **Water Quality.** If a site authorized for development pursuant to a FMUOD Special Permit is located within a Water Resources Protection Overlay District established under Section 9.3 of this Bylaw, and any use or activity subject to said special permit requires a special permit under Section 9.3.5 therein, the Planning Board shall be the Special Permit Granting Authority for the Water Resources Protection Special Permit, and that required special permit shall be consolidated into the FMUOD Special Permit.

9.5.15.1.3 **Compatibility of Uses and Activities.** Any development authorized under a FMUOD Special Permit must contain a compatible mix of uses sufficiently advantageous to the Town. Developers are strongly encouraged to include a beneficial mix of office and non-office uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.

9.5.15.2 **Design Standards.**

9.5.15.2.1 **Building Design.**

9.5.15.2.1.1 **Context.** Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. The Planning Board may require a modification in massing or layout so as to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing,

9.5.15.2.1.3 **Visual Relief.** Structures shall include one or more features which create visual relief, such as varied roof lines, articulated building facades, including a higher level of treatment on one or more primary facades as designated by the Planning Board; elements of transparency or windows within a facade to provide architectural

contrast and interior views; breaking up of continuous building surface by providing space between structures and/or jogs in the building line or plane; signs, vertical free-standing elements or other elements. Complementary use of public pedestrian spaces may also be considered as a contributory element.

9.5.15.2.1.4 **Energy Efficiency.** Insofar as practicable, projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

9.5.15.2.2 **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall comply with the applicable standards contained in the Planning Board's Rules and Regulations Governing the Subdivision of Land, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation. The Planning Board may waive any such provisions to permit an alternate design standard, if in its determination, doing so enhances the project, is consistent with the purposes of this Section, and does not negatively impact access, safety, or environmental protection.

9.5.15.2.3 **Circulation, Traffic Impact & Public Street Access.** Development authorized under a FMUOD Special Permit shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates all feasible transportation modes, vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include separated pedestrian and bicycle circulation, wherever feasible. Review of site circulation shall include: entrances and approaches, ramps, walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated to the satisfaction of the Planning Board. Each

facility, to the extent feasible, shall accommodate alternative means of transportation, including bicycle routes and pedestrian ways separated by grade or physical division from vehicular circulation; internal shuttle bus routes where warranted; accommodation of vehicles for regional transit connections; and convenient and safe connections to sidewalks and streets in adjacent business areas and neighborhoods, in order to encourage non-vehicular travel. Minor improvements designed to facilitate alternative transportation, such as shuttle bus turn-outs at individual buildings, bicycle racks, and directional signage shall be provided to the satisfaction of the Planning Board.

9.5.15.2.4 **Open Space and Common Landscaped Areas.**

9.5.15.2.4.1 **Attractive Utilization of Existing Open Space.**

Existing natural landscapes, including trees and vegetation, shall be preserved in their natural state ~~to~~ in so far as practicable. Such open space may be attractively utilized to meet minimum open space requirements, buffering and screening needs, or landscaping requirements. Existing surface waters shall be similarly used as a site amenity, subject to protection under the MA Wetlands Protection Act. All open space which cannot be preserved in its natural state shall be replanted as far as practicable with new plantings that establish similar effects on the landscape.

9.5.15.2.4.2 **Site Disturbance.** Soil removal shall be minimized and major grade changes avoided, in so far as practicable. Grade changes and elevations shall be consistent with adjacent developed areas in so far as practicable.

9.5.15.2.4.3 **Public Amenity Areas.** Development authorized under a FMUOD Special Permit shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways, driveways and parking surfaces. Public amenity areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties. The Planning Board may accept other public amenities which, in its determination, are

appropriate for the development in substitution of such public amenity area.

9.5.15.2.5 **Stormwater Management.**

9.5.15.2.5.1 **General.** Stormwater management systems serving the proposed development shall be designed in conformance with the Massachusetts Department of Environmental Protection Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs and canopies in a manner that avoids adverse drainage impact on any neighboring property.

Where possible, the review of stormwater plans and associated materials by the Planning Board shall be coordinated with any Conservation Commission review of the same.

9.5.15.2.5.2 **Erosion and Sedimentation Controls.** A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts.

9.5.15.2.5.3 **Alternative Design.** Where space, topography, soils and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems. Examples of LID practices include, but are not limited to vegetated swales, filtration strips, rain gardens or other bio-retention cells, disconnection of impervious surface areas, reduction of impervious surface, retention of existing open space, vegetated rooftops, and other methods.

9.5.15.2.6 **Off-Street Parking.**

9.5.15.2.6.1 **Parking Types and Design.** Any combination of surface, under-building and structured parking may be included in development authorized under a FMUOD Special Permit, provided that the parking plan is found by the Planning Board to be adequate to meet the purposes of this section. Parking may be provided at ground level, but with preference given to sub-grade or structured parking. In all

cases, parking areas shall be designed to minimize paved surface area. In developments or portions of developments where structures are at or close to the street line in an urban or village layout, parking shall generally be located to the sides, rear, or below said structures.

9.5.15.2.6.2 **Surface Lots.** Surface parking lots shall generally be provided in multiple, distinctly separated lots, screened and landscaped in accordance with Section 6.1.17. Separation of parking lots may occur by means of intervening open space, landscaped areas, buildings or other structures, streets or physical elements clearly delineating a division between two or more parking lots. The number of entrances and exits shall be the minimum necessary to ensure traffic safety.

9.5.15.2.6.3 **Parking Structures.** Parking structures may be free-standing or may be integrated into the structural design of a building containing a principal use authorized by the FMUOD Special Permit. Parking structures and decks shall contain architectural facing or other articulation or visual relief on all primary or highly visible facades, as determined by the Planning Board.

9.5.15.2.6.4 **Pedestrian Facilities.** Sidewalks or multi-purpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces or other destination points within the development.

9.5.15.2.6.5 **Loading Areas.** Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street or way while loading or unloading, or while waiting to load or unload.

9.5.15.2.7 **Exterior Lighting.**

9.5.15.2.7.1 **General.** Exterior lighting specifications and requirements shall be in compliance with Section 6.4.

9.5.15.2.7.2 **Design Standards.** Lighting shall be designed so as to avoid light trespass and glare on adjacent neighborhoods, business areas and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally used areas shall be reduced after business hours, particularly where access is limited by gated entry.

9.5.15.2.8 **Public Utilities, Water and Sewer Systems.** All developments authorized under a FMUOD Special Permit, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.

9.5.15.2.9 **Communications Facilities.** All towers, antennas and poles permitted under a consolidated FMUOD Special Permit with consolidated WCOD Special Permit shall be sited, designed and sized to have minimal visual impact on nearby properties.

9.5.16 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a FMUOD Special Permit.

9.5.16.1 **Pre-application Conference.** Applicants may elect to submit, prior to filing a special permit application, a preliminary application and sketch plan as the basis for preliminary discussion with the Planning Board, following which the Board shall provide non-binding guidance in regard to the development proposal. The Board may consult with other regulatory departments and committees in the formulation of its response. The sketch plan shall meet the submission requirements specified in the Rules and Regulations.

9.5.16.2 **Application and Submittal Requirements.** An application for a FMUOD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.

9.5.16.3 **Planning Board Review.** The Planning Board's review and consideration of an application for FMUOD Special Permit shall be in conformance with the Rules and Regulations.

- 9.5.16.4 **Public Hearing Required.** The Planning Board shall hold a public hearing within sixty (60) days of the filing date of said application and shall render a decision within one hundred and eighty (180) days from the date of the opening of the public hearing. Failure to take final action within the one hundred and eighty (180)-day period shall be deemed to be a constructive approval of the special permit, unless the applicant and the Planning Board execute a written extension agreement.
- 9.5.16.5 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a FMUOD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 9.5.16.6 **Special Permit Decision.** A FMUOD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.
- 9.5.16.7 **Conditions.** A FMUOD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.
- 9.5.16.8 **Performance Guarantee.** The Planning Board may require that the applicant provide a performance guarantee, in the form and amount required pursuant to the Rules and Regulations.
- 9.5.16.9 **Impact Mitigations.** Since approval of a FMUOD Special Permit authorizes substantial increases in permissible densities of population and employment, a condition of the FMUOD Special Permit shall be that the project shall mitigate some or all of the impacts of those density increases on water and sewer utilities, off-site traffic circulation, facilities, and schools through grants and incentives obtained from other agencies, or from contributions at the expense of the applicant.
- 9.5.16.10 **Non-Regulatory Agreements.** Development under a FMUOD Special Permit, in addition to compliance with provisions of this Section and other regulatory provisions, may involve memoranda of understanding or non-regulatory agreements reached between the Applicants and the Town, and possibly other entities. Said non-regulatory agreements shall be incorporated by reference and made part of a FMUOD Special Permit.
- 9.5.16.11 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for FMUOD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.

- 9.5.16.12 **Special Permit Modification.** Once a FMUOD Special Permit has been granted by the Planning Board, any subsequent change which the Building Commissioner determines will substantially affect or alter the visual appearance of the project, or of any building facade or roof within the project, or will substantially affect or alter traffic flow, or will constitute a significant modification to the site plan, will be considered a major modification, and will require the submission of an application for amendment of the FMUOD Special Permit. Said application for amendment shall be considered in accordance with the same standards and procedures set forth in this Section for the approval of the original application. Any modification, which the Building Commissioner determines not to rise to the level of a major modification, shall be considered a minor modification, and may be authorized by a majority vote of the Planning Board. However, if the Planning Board in its review determines such modification to constitute a major modification, it shall require the submission of an application for amendment of the FMUOD Special Permit.
- 9.5.16.13 **Appeals.** Appeals to a court of competent jurisdiction may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. Such appeals shall be filed in court within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.
- 9.5.16.14 **Lapse.** A FMUOD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the FMUOD Special Permit. The Planning Board may extend such approval, for good cause, upon the written request of the applicant pursuant to procedures established under the Rules and Regulations.
- 9.5.17 **Superseding Provisions.** In the event of any conflict between the provisions of this Section and other sections of the Zoning Bylaw, the provisions of this Section shall govern and control. Following the completion of construction of a project developed pursuant to a FMUOD Special Permit granted under this Section, all requirements applicable to underlying zoning shall be superseded by the terms and conditions of the FMUOD Special Permit.

9.6 MIXED USE OVERLAY DISTRICT (MUOD)

- 9.6.1 **Purpose.** The purpose of the Mixed Use Overlay District (MUOD) is as follows:
- 9.6.1.1 to encourage the development of comprehensive projects of appropriate scale in an area that provides proximate access to major highway and public transportation;
- 9.6.1.2 to provide a desirable mix of land uses, including both residential and nonresidential development that will serve Town and regional interests in housing, employment, conservation and net tax revenue;
- 9.6.1.3 to promote creative, efficient and appropriate solutions to the development of complex sites.

9.6.2 **Location.** MUOD 1, MUOD 2 and MUOD 3 are herein established as overlay districts. The MUODs shall include the areas as shown on the Zoning Map.

9.6.3 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to MUOD 1, MUOD 2 and MUOD 3.

9.6.3.1 **Area Master Plan.** A project in a MUOD may be authorized by special permit for an Area Master Plan encompassing any parcel or set of parcels held in common or separate ownership which have an aggregate land area of fifty (50) acres or more and are located in one or more MUODs. All parcels in the Area Master Plan shall be referred to collectively as a single “Area Master Plan Lot.” Any area within an Area Master Plan Lot, whether held in single or multiple ownership, may be designated as a “Sub-Area Master Plan Lot” by the Planning Board. If an application under MUOD provisions involves more than one ownership, each owner of land included in the Area Master Plan shall be a party to, or consent to, the application.

9.6.3.2 **Separation of Lots and Phases.** Notwithstanding any provision of this Bylaw or any permit issued hereunder to the contrary:

9.6.3.2.1 Any individual Area Master Plan or Sub-Area Master Plan may consist of one or more phases and/or one or more uses.

9.6.3.2.2 Any violation of this Bylaw or any permit issued hereunder by an owner or occupant of a single lot or ownership unit or demised premises within an Area Master Plan Lot or a Sub-Area Master Plan Lot shall not constitute a violation by any other owner or occupant within the same or any other Area Master Plan Lot or Sub-Area Master Plan Lot.

9.6.3.2.3 The requirements of this Bylaw shall not be applied to the individual lots or ownership units comprising an Area Master Plan Lot or Sub-Area Master Plan Lot, but shall be applied as if the Area Master Plan Lot or Sub-Area Master Plan Lot, as applicable, were a single conforming lot whether or not the same is in single or multiple ownership.

9.6.3.2.4 Upon the issuance of an EIDR approval under this Bylaw for any phase of an Area Master Plan, such phase shall be deemed to be in compliance with the provisions of this Bylaw notwithstanding the status of any other phase in the Area Master Plan and/or any noncompliance of such other phase with the phasing plan, phasing requirements set forth herein or otherwise.

9.6.4 **Special Permit Required.** Development under MUOD provisions requires special permit approval of an Area Master Plan by the Planning Board in compliance with the provisions of this Section. Application for any special permits which may otherwise be required pursuant to this Bylaw, except for the special permit required under Section 8.7, Residential Retirement Community and Section 9.3, Water Resource Protection Overlay District, may be consolidated into a MUOD Area Master Plan special permit application. Such consolidated special permit application may be acted upon by the Planning Board in accordance with the requirements of Section 9.6.12 by issuance of an Area Master Plan special permit, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Special permits pursuant to Section 5.5.6, Creation of Ways, Section 6.3.2 Buffer Areas in Nonresidential Districts, Section 6.5, Floor Area Ratio Limitation, Section 7.2, Major Business Development (MBD), Section 8.5, Major Residential Development (MRD) and Section 8.6, Senior Residential Development (SRD) shall not be required for development under a MUOD Area Master Plan.

9.6.5 **Permitted Uses.** Subject to the provisions of this Bylaw applicable to the underlying district, unless otherwise provided herein, land and buildings within a MUOD may be used for any purpose permitted as of right or by special permit in the underlying district. Multiple uses may be contained within a single building or structure. The following uses may be included within an Area Master Plan in addition to the uses allowed in the underlying district pursuant to Section 4.0, Use Regulations:

9.6.5.1 Commercial outdoor recreation;

9.6.5.2 Hotel on less than five (5) acres;

9.6.5.3 Non-exempt educational use;

9.6.5.4 Parking garage as a principal use;

9.6.5.5 In MUOD 2 and MUOD 3 only, multi-family dwelling consisting solely of residential condominiums;

9.6.5.6 Fast order food establishment, provided either: (a) such establishment is within MUOD 1, and is located east or south of Westwood Station Boulevard, or (b) such establishment is wholly within a building in office or other non-retail use, or (c) such establishment is located within MUOD 2 or MUOD 3. For the purpose of this subsection, the location of Westwood Station Boulevard is that shown on the approved Definitive Subdivision Plan for Westwood Station, entitled “Westwood Station’ MP Special Permit Definitive Subdivision Plan of Land in Westwood, MA”, dated October 1, 2007, and revised through December 27, 2007, prepared by Traffic Solutions, LLC, Two Center Plaza, Suite 700, Boston, MA

02108, approved by the Planning Board on January 8, 2008 and recorded in the Norfolk County Registry of Deeds on April 18, 2008;

9.6.5.8 Shuttle Service System, which shall mean the operation of buses or similar motor vehicles designed for the transport of groups of people, together with the following facilities: a covered garage for parking shuttle vehicles, shelters at shuttle stops, and maintenance facilities, provided that, if a maintenance facility is located within the Water Resource Protection Overlay District, only those maintenance or repair services shall be allowed as are reviewed and approved by the Planning Board in an Area Master Plan Special Permit and conditioned in a manner that serves the purposes of the Water Resource Protection Overlay District, and provided further that in no event shall maintenance and repair services in the Water Resource Protection Overlay District include the changing of motor oil, or the use or storage of any petroleum product, or the refueling of vehicles with any oil or hazardous material as defined in M.G.L. c. 21E.

9.6.5.11 Restaurant with Entertainment, provided that (a) the Restaurant with Entertainment is part of an Area Master Plan that includes at least 300,000 square feet of Retail Sales and Services uses in the aggregate; (b) the Entertainment is at all times subordinate and incidental to the Restaurant use; and (c) the Entertainment takes place while the Restaurant is offering meal service. For purposes of this Section, Entertainment shall be defined within the MUOD as the provision of live, recorded, or interactive music, comedy, vocals, drama or media or other entertainment licensed by the Town but shall not include Adult Use;

9.6.5.12 Uses accessory to the uses cited above and to the uses permitted in the underlying zoning district, irrespective of whether such uses are located on the same lot as the principal uses, provided that the principal use to which each such use is accessory must be clearly identified, and provided further that any use or building that is accessory to principal uses must be reviewed and approved by the Planning Board in an Area Master Plan Special Permit.

9.6.6 Use Limitations.

9.6.6.1 The following uses are prohibited within an Area Master Plan: motor vehicle sales and rentals; motor vehicle general and body repairs; motor vehicle light service and self-storage or mini-storage facilities.

9.6.6.2 Warehouse and wholesale or distribution facilities are allowed within an Area Master Plan only as an alteration or expansion of an existing facility.

9.6.7 **Alternative Regulations.** The following alternative regulations may be used for a project in the MUOD rather than the regulations applicable to the underlying district as

provided in Section 5.2, Table of Dimensional Requirements, Section 5.4, Height Regulations, Section 5.5.4, Corner Clearance, Section 5.5.5 Uses within Setbacks, Section 6.3.2, Buffer Areas in Nonresidential Districts and Section 6.5, Floor Area Ratio Limitation:

- 9.6.7.1 The aggregate floor area ratio within MUOD 1 and MUOD 2, exclusive of MUOD 3, shall not exceed 1.0. The aggregate floor area ratio within MUOD 3 shall not exceed 1.2, except that for any Area Master Plan that includes lots within MUOD 2 and MUOD 3, the aggregate floor area ratio for all lots within MUOD 2 and MUOD 3 of said Area Master Plan shall not exceed 1.1. The floor area ratio on individual lots within an Area Master Plan may exceed the MUOD district limit provided that the aggregate floor area ratio of each MUOD within the Area Master Plan, or the aggregate floor area ratio of combined MUODs within the Area Master Plan, shall not exceed the aggregate maximum limits of the MUODs, each or combined, within the Area Master Plan, as specified herein.
- 9.6.7.2 There shall be no minimum setback or corner clearance requirements and retail use, restaurant and other types of seating may be allowed within setbacks and not be subject to Section 6.3.1, Enclosure Requirements in Highway Business and Industrial Districts.
- 9.6.7.3 There shall be no minimum lot width, lot frontage, lot area, nonwetland area or maximum building coverage requirements.
- 9.6.7.4 The maximum impervious surface requirements shall be met across the aggregate of: (a) all land within the Area Master Plan Lot, and (b) land outside the Area Master Plan Lot, but within an MUOD, that is subject to a recorded easement, restriction or covenant or other appropriate instrument, but do not have to be met on each individual lot.
- 9.6.7.5 The maximum building/structure height in MUOD 2 shall be seventy (70) feet and a maximum of six (6) stories, provided that the height shall not in any case exceed one hundred seventy-eight and one-half (178½) feet above sea level. The maximum building/structure height in MUOD 3 shall be one hundred twenty (120) feet but in no case shall exceed one hundred seventy-eight and one-half (178½) feet above sea level. All unoccupied mechanical features pursuant to Section 9.6.7.6 shall be included in the calculation of building/structure height over seventy (70) feet in MUOD 3. Any additional building/structure height over seventy (70) feet which is allowed in MUOD 3 shall be designed to relate harmoniously to the terrain and to the use, scale and architecture of existing buildings and to mitigate the visual impacts on surrounding non-industrial uses. The project proposal shall incorporate aesthetically-conscious design which promotes environmentally compatible uses,

pervious surfaces and landscaped areas in exchange for the additional building/structure height.

9.6.7.6 Unoccupied mechanical features such as chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennae and other necessary features usually carried above the roof line and which are exempted from the limitations on building/structure height may cover up to eighty percent (80%) of the roof area of the building or structure provided that no such features exceed one hundred seventy-eight and one-half (178½) feet above sea level.

9.6.7.7 Where a lot in the MUOD abuts or is within twenty (20) feet of the boundary line of any Residential District, a buffer area shall be provided on all portions of said lot so abutting that shall have a minimum width of fifty (50) feet. Said buffer area shall be used exclusively as a planting area so as to create a substantially sight impervious screen.

9.6.8 **Residential Controls.**

9.6.8.1 A minimum of two hundred (200) housing units shall be included in any Area Master Plan which includes any housing.

9.6.8.2 Pre-existing and new housing units shall occupy no more than one-third (1/3) of the total gross floor area at the completion of the build-out of the Area Master Plan.

9.6.8.3 The gross floor area contained within housing units granted occupancy permits pursuant to the Area Master Plan shall not exceed the gross nonresidential floor area granted occupancy permits pursuant to said Area Master Plan at any stage in the development process.

9.6.8.4 Housing affordability shall be provided for as follows:

9.6.8.4.1 A minimum of twelve percent (12%) of the housing units in the Area Master Plan shall be “affordable” as defined in this Bylaw, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs.

9.6.8.4.2 An additional five percent (5%) of the housing units in the Area Master Plan shall be either “affordable” or “moderate income” as defined in this Bylaw, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs.

- 9.6.8.4.3 A fee as stipulated in the Area Master Plan approval shall be paid by the Applicant to cover the ongoing costs of administering the affordability requirements.
- 9.6.8.4.4 Except as provided in this Section, no additional housing affordability mandates pursuant to this Bylaw shall apply to development authorized under an Area Master Plan.
- 9.6.8.4.5 The Planning Board may adopt and from time to time amend regulations to assure that the affordable and moderate income housing units are developed concurrent with and are visually indistinguishable (except for unit size) from the market-rate housing units, for processes for local preference and other aspects of occupant household selection, and for means of assuring price levels for affordable and moderate income units in perpetuity.

9.6.9 **Conditions.** The following conditions shall apply in MUODs:

- 9.6.9.1 **Parking Requirements.** Requirements to assure parking adequacy are to be established in the Area Master Plan, which shall depart from the provisions of Section 6.1, Off-Street Parking in the following ways:
 - 9.6.9.1.1 A special permit to reduce the number of required parking spaces pursuant to Sections 6.1.8 and 6.1.10 may be consolidated into a MUOD Area Master Plan special permit application and acted upon by issuance of an Area Master Plan Special Permit by the Planning Board, to be implemented on a phase by phase basis. The obligations to reserve space for the reduced parking and to limit development to that which would be feasible absent a special permit for parking reduction may not apply, provided that adequacy of the reduced number shall be monitored in the initial phase of the development and authorization for future phases shall be based upon adequacy of that performance.
 - 9.6.9.1.2 Parking requirements (actual or reserved) for any phase of an Area Master Plan, once approved by the Planning Board under EIDR, shall not be subject to modification; provided, however, additional parking spaces shall be required for a change in use or intensity that increases the parking requirements as set forth in Section 6.1.2.
 - 9.6.9.1.3 Shared joint off-street parking spaces, which include parking garages, may be located on contiguous lots or on

lots that are within eight hundred (800) feet walking distance of the building entrance to be served.

9.6.9.1.4 There shall be no minimum parking setback requirements as required in Section 6.1.18 except at any boundary line at the perimeter of an Area Master Plan, other than where it abuts another Area Master Plan, unless such minimum parking setback requirement is waived by the Planning Board in its discretion.

9.6.9.1.5 Parking shall preferably be structured, and shall not be primarily located so that it separates buildings from street sidewalks. Parking shall instead be primarily located below the building, to its rear, or to its side. The foregoing provisions shall not apply to (a) any portion of an Area Master Plan Lot that is located outside the 1,500-foot zone surrounding the main pedestrian entrance to the depot building at the Massachusetts Bay Transportation Authority's University Park/Route 128 Station (the "Station Zone"), or (b) any portion of an Area Master Plan where strict enforcement of such provisions would inhibit the purpose and intent of Section 9.6 as the Planning Board may determine in its discretion.

9.6.9.1.6 In an Area Master Plan, the requirements of Section 6.1.23 shall not apply.

9.6.9.1.7 In an MUOD Area Master Plan Special Permit, the Planning Board may approve, in lieu of the requirements of Section 6.1.17, such landscaping requirements as the Planning Board determines are appropriate in light of the type of parking facility and the parking or loading area location and relationship to nearby buildings, which landscaping may be shown on plans included in an Area Master Plan Special Permit but, in all events, must be reviewed and approved pursuant to Environmental Impact and Design Review under Section 7.3.

9.6.9.2 **Water Resource Protection District.** The requirements of Section 9.3, Water Resource Protection Overlay District (WRPOD), shall apply within areas subject to both the WRPOD and the MUOD, except as follows:

9.6.9.2.1 For purposes of Section 9.3.4, the reference to uses for any purpose by special permit in the underlying district shall also refer to uses for any purpose by special permit in the MUOD.

- 9.6.9.2.2 Petroleum products in the fuel tanks of vehicles within parking structures within the MUOD shall not be considered storage of liquid petroleum products.
- 9.6.9.2.3 Within the MUOD, minimum lot area shall be consistent with Section 9.6.7.3.
- 9.6.9.2.4 For purposes of providing the minimum amount of vegetation area and the amount of impervious materials coverage in Section 9.3.7.3, the following shall apply: Vegetation may be provided within the area subject to an Area Master Plan Special Permit or application therefor and/or areas outside the Area Master Plan/Application, but within an MUOD, that are subject to a recorded easement, restriction or covenant or other appropriate instrument. If an Area Master Plan includes areas within both the MUOD and WRPOD, and if impervious materials cover more than fifteen percent (15%) of the portion of such area within the WRPOD, then all storm drainage other than roadway runoff, and as allowed by the Department of Environmental Protection (DEP), parking lot runoff, shall be recharged within the area subject to the Area Master Plan and roadway and such parking lot runoff shall comply with the stormwater management standards adopted by the Massachusetts Department of Environmental Protection.
- 9.6.9.2.5 Within the MUOD, the phrase “on-site” as used in Section 7.3.8.7 and Section 9.3, Water Resource Protection Overlay District (WRPOD), shall refer to land in lots subject to an MUOD Area Master Plan Special Permit, so that (1) the requirements for the recharge of storm drainage may be met across the aggregate of all land in lots within the Area Master Plan, but do not have to be met on each individual lot; and (2) the requirements for wastewater disposal may be met through a privately-operated wastewater treatment facility serving some or all lots within the Area Master Plan provided that the facility is constructed, approved and operated in accordance with all applicable federal, state, and local laws.
- 9.6.9.2.6 For purposes of Section 9.3.7.6, with respect to the land in lots subject to an MUOD Area Master Plan Special Permit, uses requiring wastewater disposal may be connected to a private wastewater treatment facility, if constructed, approved, and operated in accordance with all applicable federal, state, and local laws.

- 9.6.9.3 **Open Public Amenity Areas.** Not less than ten percent (10%) of the aggregate land area, exclusive of wetlands, contained within the Area Master Plan must be comprised of areas to which the public has at least visual access, including landscaped areas and such features as pedestrian walks, patios, landscaped plazas, and incidental structures to support them, but excluding auto traveled ways, driveways and parking surfaces. The foregoing requirement may be satisfied within the Area Master Plan Lot or outside the Area Master Plan Lot on land in an MUOD that is subject to a recorded easement, restriction or covenant or other appropriate instrument. An initial determination of whether a particular area or feature meets this requirement shall be made by the Planning Board in its decision on the Area Master Plan and a definitive decision shall be made pursuant to the review of individual projects within an Area Master Plan under Section 7.3, Environmental Impact and Design Review.
- 9.6.9.4 **Sign Locations.** Signs may be set back less than the fifteen (15) feet from the street line. Signs or sign structures may project or extend over sidewalks, private ways or, with the approval of the Board of Selectmen, public ways.
- 9.6.9.5 **Signs.** Notwithstanding the requirements of Section 6.2 of this Bylaw, the Planning Board may through the Environmental Impact and Design Review process under Section 7.3 of this Bylaw approve the erection and maintenance of such signs that (a) are located within the boundaries of, or relate to, a project for which an MUOD Area Master Plan Special Permit has been issued under Section 9.6.4 of this Bylaw, and (b) comply with signage guidelines approved by the Planning Board in connection with the issuance of such Area Master Plan Special Permit and with the conditions of any consolidated special permit issued as part of such Area Master Plan Special Permit pursuant to Sections 9.6.4 and 6.2.17 of this Bylaw. The provisions of Section 6.2 of this Bylaw shall apply to signs erected and maintained other than in accordance with an Area Master Plan Special Permit that establishes signage guidelines. Off-Premises Signs shall be permitted within the Area Master Plan Lot or elsewhere in the MUOD provided an appropriate license, recorded easement or other appropriate arrangement is implemented. In no event shall any off-premises sign exceed the maximum sign area applicable to an on-premises sign within the Area Master Plan Lot.
- 9.6.10 **Area Master Plan Requirements.** Application for a special permit for approval of a MUOD Area Master Plan shall be accompanied by the following and all other application materials required by rules and regulations to be adopted by the Planning Board for administration of these provisions.

- 9.6.10.1 Narrative, tabular and graphic description of existing conditions in the MUOD and, in a general manner, in adjoining areas.
- 9.6.10.2 Narrative, tabular and graphic description of the proposal, including:
 - 9.6.10.2.1 schematic development plans, indicating boundaries of the Area Master Plan, buildings, vehicular and pedestrian circulation, parking, reserved open public amenity areas, topography, areas of retained vegetation and areas proposed for landscaping, and division of land into lots;
 - 9.6.10.2.2 schematic infrastructure plan, indicating utilities and stormwater management provisions;
 - 9.6.10.2.3 materials indicating the proposed ultimate floor area in each use in each phase;
 - 9.6.10.2.4 tabulation of the number of housing units proposed by phase, categorized by building type (multi-family, attached single-family, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of housing unit and affordability provisions;
 - 9.6.10.2.5 service improvements, such as off-site street and intersection improvements, or other capital improvements proposed to be made at the expense of the Applicant and those anticipated at public expense, and if public, the anticipated source (e.g. District Improvement Financing (DIF), Tax Increment Financing (TIF), State grants);
 - 9.6.10.2.6 description of the proposed transportation demand management (TDM) program identifying commitments, to a designated TDM manager, employer contributions to employee public transportation passes, shuttle bus capital contribution, car pool, van pool, guaranteed ride home, flex hours, promotional programs and similar efforts, the anticipated automotive trip generation reductions resulting from the TDM program and the means of making change if these reductions are not realized.
- 9.6.10.3 Analysis indicating how the project serves jobs, housing, taxes, services, environmental concerns including groundwater quality and quantity, community image and other interests of Town residents.

- 9.6.10.4 Impact analyses of appropriate issues as may be identified by the Town, including identification of public facility improvements to be made by the Applicant or by others, including:
- 9.6.10.4.1 Analysis of access demands by category of use and project phase indicating total person trip generation, modal split among automotive and other modes, distribution of trips by mode and destination, allocation of trips to specific major roadways, commuter rail and other elements of the transportation system, and anticipated ability of those elements to accommodate the demand. All information shall include data for morning and afternoon peak hours, weekend peak hours, average daily data and peak holiday/season use;
 - 9.6.10.4.2 School enrollment by primary, middle and high school level and anticipated ability of existing or committed facilities to accommodate the demand;
 - 9.6.10.4.3 A water budget analysis for affected sub-basins, analyzing net flows as a result of inflows (septic or other recharge, stormwater discharges) and outflows (surface water diversions, groundwater withdrawals, sewer flows leaving the sub-basin, other consumptive uses), shown for the current condition and for the post-development condition, reflecting proposed mitigations;
 - 9.6.10.4.4 A water quality analysis for potentially affected public water wellhead recharge areas, indicating projected change in contaminant levels resulting from full development of the Area Master Plan and its proposed mitigations.
- 9.6.10.5 Description of project timing and phasing of development and mitigations into three or more phases, depending upon project scale and length of anticipated build-out, which may not exceed ten (10) years from the grant of the Area Master Plan special permit. As provided in M.G.L. Chapter 40A, Section 9, the special permit approval of such Area Master Plan, including the consolidated special permit approvals therein, shall expire two (2) years from the date of approval unless construction or substantial use of such Area Master Plan has commenced (except for good cause), meaning in this context that construction must begin on at least one building and the phasing schedule must be adhered to thereafter provided that such two (2)-year period shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17.

- 9.6.10.6 Description of proposed methods for monitoring impacts of each phase of development and means of making change in later phases if earlier phases have traffic, school enrollment, groundwater water quality or quantity, or other impacts substantially departing from those in the projections upon which the Planning Board relied on in its approval of the Area Master Plan special permit, but only to the extent attributable to development pursuant to such Area Master Plan special permit.
- 9.6.10.7 Graphic visualization materials conveying the nature and character of the proposed development, and its relationship to nearby surroundings, whether through models, perspective drawings, digital simulations or other means.
- 9.6.10.8 A land division plan showing the division of land into lots, and incorporating a tabulation indicating for each lot and totaled for the Area Master Plan:
 - 9.6.10.8.1 Lot area;
 - 9.6.10.8.2 Existing and proposed maximum gross floor area, divided among residential, retail service and other uses;
 - 9.6.10.8.3 Maximum proposed housing units;
 - 9.6.10.8.4 Maximum proposed impervious surface;
 - 9.6.10.8.5 Minimum proposed Open Public Amenity Area.

The owner of a lot within an Area Master Plan Lot shall be entitled to lawfully divide such lot, including without limitation plans approved pursuant to Massachusetts General Laws Chapter 41, Section 81P, without modifying the applicable Area Master Plan Special Permit, EIDR Approval or other approval under this Bylaw, consistent with the provisions of this Section 9.6. Lots within an Area Master Plan Lot or Sub-Area Master Plan Lot may be separated by a public or private way.

9.6.11 **Authorization of First Phase.** At the request of the Applicant, the Planning Board may authorize the first phase (“Phase I”) of a project pursuant to an Area Master Plan special permit as follows:

- 9.6.11.1 Except as provided in this Section 9.6.11, all requirements of Section 9.6 shall apply to Phase I, including but not limited to the information required under Section 9.6.10, Area Master Plan Requirements and Section 9.6.13.1, Environmental Impact and Design Review.

- 9.6.11.2 Phase I shall include only nonresidential uses. Residential uses shall not be authorized except in accordance with a special permit for the entire Area Master Plan.
- 9.6.11.3 Phase I shall not exceed more than twenty-five percent (25%) of the approximate total gross floor area of the Area Master Plan.
- 9.6.11.4 In conjunction with the submittal of an application for a Phase I special permit, the Applicant shall also submit a plan for the future development of the balance of the Area Master Plan (“Future Development Plan”). The Future Development Plan shall include information regarding the location of all parcels that will be subject to the Area Master Plan, the approximate total gross floor area of the Area Master Plan project, projected uses, projected infrastructure improvements, projected public amenities, projected project timing and phasing of development and such other information regarding the balance of the Area Master Plan as the Planning Board may require.
- 9.6.11.5 The Applicant shall submit an application for an Area Master Plan special permit for the entire project to the Planning Board within six (6) months following approval of Phase I. The Planning Board may extend this deadline by an additional six (6) months upon a demonstration by the Applicant that good cause exists for such extension.
- 9.6.11.6 The Planning Board shall grant a special permit for Phase I of an Area Master Plan and any other special permits consolidated therein pursuant to Section 9.6.4 for Phase I only upon its written determination that Phase I is consistent with the Decision criteria set forth in Section 9.6.12. The Phase I special permit shall be incorporated by reference and made part of the full Area Master Plan special permit.
- 9.6.11.7 No building, structure or other improvements outside of Phase I shall commence until the special permit for the entire Area Master Plan has been granted.
- 9.6.12 **Decision.** A special permit for an Area Master Plan and any other special permits consolidated therein pursuant to Section 9.6.4 shall be granted by the Planning Board only upon its written determination that the beneficial effects of implementing the proposed Area Master Plan will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Bylaw. If multi-family use is included in the application, the Planning Board shall also determine that the public good will be served after a finding that the underlying zoning district is not adversely affected by multi-family use and that uses permitted in such district are not noxious to multi-family use. In addition to any specific

factors that may be set forth elsewhere in this Bylaw, the determination shall include consideration of each of the following:

- 9.6.12.1 ability of transportation, utilities, schools and other public facilities, and other public infrastructure as existing, or as committed by the Town or the Applicant to be improved, to serve the project adequately and safely without material deterioration in service to other locations;
- 9.6.12.2 degree to which the project will increase the economic value of the site, generate employment opportunities and generate sustaining economic benefit to the Town;
- 9.6.12.3 degree to which the project is consistent with the principles of transit-oriented development, including higher density, mix of uses, pedestrian-oriented design, connectivity, mix of transportation choices and reduction in automotive use;
- 9.6.12.4 extent to which the project will serve identified housing needs of the Town and the region;
- 9.6.12.5 extent to which the project can restore any degraded environmental resources, including groundwater, waterways and contaminated soils;
- 9.6.12.6 ability of the project to assure design integration among adjoining sites within the Area Master Plan and elsewhere within the MUOD and to assure compatibility with adjoining sites outside of the MUOD, including architectural compatibility, roadway alignments and pedestrian access;
- 9.6.12.7 degree to which the project provides for effective flood mitigation and stormwater storage and other mitigation measures for the site and proximate residential properties and the degree to which the project protects sub-basin groundwater volume and quality;
- 9.6.12.8 degree to which the project provides for buffering and screening from nearby residential properties.

9.6.13 **General Provisions.**

- 9.6.13.1 **Environmental Impact and Design Review.** Approval of an Area Master Plan does not substitute for the otherwise required review of individual buildings pursuant to Section 7.3, Environmental Impact and Design Review, except as expressly hereinafter provided. To the extent that a building's impacts, mitigation and features are approved as part of the Area Master Plan, such impacts, mitigation and features shall be reviewed for general consistency with the Area Master Plan Special Permit, subject to the provisions of Section 9.6.10.6. Consistency with the

Area Master Plan Special Permit shall be a consideration in the Section 7.3 review of individual building applications. The following will require a special permit amendment to the Area Master Plan:

- 9.6.13.1.1 A proposed amount of development exceeding the amount authorized for that category of use cumulatively through that phase in the Area Master Plan;
- 9.6.13.1.2 An unmitigated increase beyond the explicit impact limitations established in the Area Master Plan;
- 9.6.13.1.3 Failure to make provision for impact mitigations required in the Area Master Plan;
- 9.6.13.1.4 Substantial departure from the configuration of building forms and access patterns indicated in the Area Master Plan; or
- 9.6.13.1.5 Other departures whose impacts because of their scale, severity or kind would be of substantial public consequence.

9.6.13.2 The EIDR decision shall authorize administrative approval of minor plan modifications meeting the criteria set forth in the decision by the Town Planner, or other Town staff as designated in the decision, in which case no modification of the Area Master Plan Special Permit shall be required. A minor plan modification shall be limited to minor adjustments to any physical elements in an approved plan whereby there is no material increase in unmitigated impacts upon the community or the neighborhood. A plan modification, for purposes of this subsection, shall be deemed to be minor if the changes proposed:

- 9.6.13.2.1 Are materially consistent with the approved Area Master Plan Special Permit, Sub-Area Master Plan Special Permit or EIDR Approval from which the modification is requested;
- 9.6.13.2.2 Involve no material increase in building size or floor area, or material decrease in parking supply;
- 9.6.13.2.3 Do not materially vary from the approved layout of buildings, parking facilities, streets and access drives, utilities, and other principal site elements;
- 9.6.13.2.4 Do not materially change the design and operation of the stormwater system;

- 9.6.13.2.5 Do not materially increase vehicle trips; and
- 9.6.13.2.6 Do not result in any material decrease in the amount of approved landscaping, pedestrian area or open space.
- 9.6.13.3 **Assurance of Impact Mitigations.** Since approval of an Area Master Plan authorizes substantial increases in permissible densities of population and employment, a condition of the special permit for the Area Master Plan shall be that the project shall mitigate some or all of the impacts of those density increases on water and sewer utilities, off-site traffic circulation facilities and schools through grants and incentives obtained from other agencies or contributions at the expense of the Applicant.
- 9.6.13.4 **Transfer of Development Authorizations and Obligations.** Area Master Plan authorizations for building gross floor area, housing units, impervious surface and obligations for Open Public Amenity Area and impact mitigations may be transferred between lots and between owners provided that the Planning Board, prior to endorsing a revised version of the land division plan as required in Section 9.6.10.8, determines that the transfer is consistent with the approved Area Master Plan, making no more than “minor” departures as provided for in Section 9.6.13.1.
- 9.6.13.5 **Reimbursement for Consultants.** It will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of the Area Master Plan and of subsequent applications under Section 7.3, Environmental Impact and Design Review. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for a special permit pursuant to this Section or to Section 7.3 review hereunder shall contain an agreement by the Applicant to that effect.
- 9.6.13.6 **Non-Regulatory Agreements.** Development under an approved Area Master Plan, in addition to compliance with provisions of this Section and other regulatory provisions, will involve memoranda of understanding or non-regulatory agreements reached among those proposing development, the Town, and possibly other entities, such as other governmental agencies. Said non-regulatory agreements shall be incorporated by reference and made part of a Phase I special permit and full Area Master Plan special permit.
- 9.6.13.7 **Discretionary Authority.** In connection with the approval of an Area Master Plan Special Permit, a Sub-Area Master Plan Special Permit, or an EIDR Approval, the Planning Board in its discretion may modify the application of the requirements of Section 9.6 by up to ten percent (10%). In such cases the Planning Board must find that:

- 9.6.13.7.1 The use is otherwise permitted in the MUOD;
- 9.6.13.7.2 The modification is otherwise consistent with the intent of Section 9.6; and
- 9.6.13.7.3 The modification has a beneficial impact on the Area Master Plan or Sub-Area Master Plan.

No modification herein shall authorize an increase in the height limitations in the MUOD.

9.6.14 **Appeal.** As the Area Master Plan special permit is appealable under applicable state law and notwithstanding Section 7.3.13, the Planning Board’s decision pursuant to Section 7.3, Environmental Impact and Design Review, of individual buildings or phases of a project subject to an Area Master Plan special permit is not appealable pursuant to M.G.L. Chapter 40A, Section 17 but only in accordance with other applicable state law.

9.7 UPPER STORY RESIDENTIAL OVERLAY DISTRICT (USROD)

9.7.1 **Purpose.** The purpose of the Upper Story Residential Overlay District (USROD) is as follows:

- 9.7.1.1 to permit the most beneficial redevelopment and reuse of municipal buildings which are no longer required for municipal use;
- 9.7.1.2 to promote appropriate solutions to the redevelopment of existing buildings in the High Street area.

9.7.2 **Location.** The USROD is herein established as an overlay district. The USROD shall include all properties fronting on High Street, between Barlow Lane and Gay Street, which were improved with one or more buildings and were either municipally-owned as of January 1, 2011 or are municipally-owned at the time of application.

9.7.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all USROD Special Permits.

9.7.4 **Special Permit Required.** Development under this Section requires a USROD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the USROD Special Permit. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall

be consolidated into a mandatory site plan approval component of the USROD Special Permit, and no separate EIDR Approval shall be required.

- 9.7.5 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the USROD may be used for any purpose permitted as of right or by special permit in the underlying district. In addition, one or more upper story dwelling units may be permitted to the extent authorized under a USROD Special Permit.
- 9.7.6 **Regulations.** Unless the Planning Board adopts specific rules and regulations for the administration of this Section, the Planning Board’s General Special Permit Granting Authority Rules and Regulations shall apply (henceforth referred to as the “Rules and Regulations”).
- 9.7.7 **Environmental Impact and Design Standards.** The standards set forth in Section 7.3.7 for EIDR shall be utilized by the Planning Board to review and evaluate all applications pursuant to this Section. Alterations and/or additions to existing buildings shall be consistent with the historic architectural character of those existing buildings, and, where possible, shall be harmoniously related to nearby pre-existing structures.
- 9.7.8 **Parking Standards.** Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. Parking shall be primarily located such that parking spaces are not between the building and High Street.
- 9.7.9 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a USROD Special Permit.
- 9.7.9.1 **Application and Submittal Requirements.** An application for a USROD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.
- 9.7.9.2 **Planning Board Review.** The Planning Board’s review and consideration of an application for USROD Special Permit shall be in conformance with the Rules and Regulations.
- 9.7.9.4 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a USROD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the

manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.

- 9.7.9.5 **Special Permit Decision.** A USROD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.
- 9.7.9.6 **Conditions.** A USROD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.
- 9.7.9.7 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for USROD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.

SECTION 10.0 ADMINISTRATION AND PROCEDURES

10.1 EXECUTION AND ENFORCEMENT

10.1.1 **Execution.** The Building Commissioner shall execute the provisions of this Bylaw, except where otherwise provided, and in so doing shall have the same powers as are provided for the execution of the Massachusetts State Building Code. The Building Commissioner shall issue no permit for the construction, alteration or relocation of any building or structure if the building or structure as constructed, altered or relocated would be in violation of this Bylaw; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this Bylaw. Where a special permit or other permit is required pursuant to the provisions of this Bylaw, or where an appeal or petition involving a variance, special permit or other permit is pending, the Building Commissioner shall issue no building permit until such permit is granted and the applicable appeal period has expired or such appeal is no longer pending.

10.1.2 **Building Permits.** Applications for permits shall be accompanied by a certified plot plan, submitted in duplicate, of the lot showing the exact location and size of the actual dimensions of the lot and the exact location and size of the buildings or structures already upon the lot, and of the other buildings or structures to be constructed or altered, together with the streets adjacent to the lot. Construction or operations pursuant to a building or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

10.1.3 **Occupancy Permits.** It shall be unlawful to initially use any building or structure, or any addition to an existing building or structure, hereafter constructed, or to use that portion of a building or structure which is hereafter renovated, or to occupy or use any building or structure for a purpose other than that for which it was designed (as set forth in the permit for its construction, if any), until the Building Commissioner has issued an occupancy permit. Such permit shall not be issued unless and until the Building Commissioner has found the premises to be in apparent conformity in all applicable respects to the provisions of this Bylaw or decision rendered hereunder.

10.1.4 **Enforcement.**

10.1.4.1 If the Building Commissioner shall be informed or have reason to believe that any provision of this Bylaw or any permit or decision hereunder has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and if the Building Commissioner finds any violation, he shall give immediate notice in writing to the owner or duly authorized agent and to the occupant of the premises. If after such notice, a violation occurs, with respect to any building, structure or use contrary to the provisions of this Bylaw, the Building Commissioner shall forthwith

revoke any permit issued in connection with the premises and shall take such other action as is necessary to enforce the provisions of this Bylaw.

10.1.4.2 If the Building Commissioner is requested in writing to enforce this Bylaw against any person allegedly in violation thereof and declines to act, the Building Commissioner shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen (14) days of receipt of such request. If the Building Commissioner is so requested in writing and does not decline to act, he shall give written notice of his disposition of the matter to the party making such request within thirty (30) days of such receipt.

10.1.4.3 Any person taking cognizance of a violation of the Zoning Bylaw that he is empowered to enforce (including without limitation the Building Commissioner and any police officer), hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one (21) days after the date of such notice, in which event the procedure for enforcement shall be as set forth in M.G.L. Chapter 40, Section 21D.

10.1.5 **Penalty for a Criminal Complaint.** Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provisions of this Bylaw, or any of the conditions under which a permit or special permit is issued, or any decision rendered hereunder, shall be subject to a fine not to exceed the amount of two hundred dollars (\$200.00) for each offense, which shall be recovered as provided by law and shall inure to the Town. Each day that any such violation continues shall constitute and be considered a separate offense.

10.1.6 **Penalty for Noncriminal Complaint.** In addition to the procedures for enforcement as described in this Section, the provisions of this Bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for a violation enforced hereunder shall be one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute and be considered a separate offense.

10.1.7 **Appeals.**

10.1.7.1 Appeals to the Board of Appeals may be taken by a person aggrieved by reason of their inability to obtain a permit or enforcement action under this Zoning Bylaw, or may be taken by an officer or board of the Town or other person aggrieved by an order or decision of any administrative official under this Bylaw. The Petitioner shall file such appeal with the Town Clerk within thirty (30) days after the refusal of a permit or the issuance of the order of decision. The Petitioner shall forthwith transmit a

copy thereof, with the date of filing certified by the Town Clerk, with the Board of Appeals and the officer or board whose order or decision is being appealed. The Board of Appeals shall hold a public hearing within sixty-five (65) days of the receipt of the petition and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action upon a petition within the one hundred (100)-day period shall be deemed to be a grant of the appeal.

10.1.7.2 A person aggrieved by a decision of the Board of Appeals or the Special Permit Granting Authority or by the failure of the Board of Appeals to take final action concerning any appeals, application or petition within the required time or by the failure of a Special Permit Granting Authority to take final action concerning an application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to a court of competent jurisdiction within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.

10.1.8 **Repetitive Appeal, Application or Petition.** No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals or Planning Board shall be favorably and finally acted upon within two (2) years after the date of such unfavorable action unless the Board which acted upon the appeal, application or petition, by a unanimous vote if the Board of Appeals or all but one of the members if the Planning Board, finds specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in its records. All but one of the members of the Planning Board must also consent to a repetitive appeal, application or petition initially acted upon by the Board of Appeals and submitted for reconsideration within two (2) years after the date of unfavorable action after notice is given to parties in interest of the time and place of the proceedings to consider consent.

10.2 BOARD OF APPEALS

10.2.1 **Establishment.** There is hereby established a Board of Appeals of three (3) members and six (6) associate members. All members shall be residents of the Town, who shall be appointed by the Board of Selectmen.

10.2.2 **Powers.** The Board of Appeals shall have and exercise all the powers granted to it by M.G.L. Chapters 40A, 40B and 41 and by this Bylaw. The powers of the Board of Appeals are as follows:

10.2.2.1 To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the Special Permit Granting Authority, to act in all matters in accordance with the provisions of Section 10.3, or as otherwise specified.

10.2.2.2 To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures, as set forth in M.G.L. Chapter 40A, Section 10. The Board of Appeals shall not grant use variances.

10.2.2.3 To hear and decide appeals taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. Chapter 40A, Sections 8 and 15.

10.2.2.4 To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L. Chapter 40B, Sections 20 through 23.

10.2.3 **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

10.2.4 **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals and applications for comprehensive permits.

10.3 SPECIAL PERMITS

10.3.1 **Special Permit Granting Authority.** Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

10.3.2 **Application.** An application for a special permit for uses designated in the Zoning Bylaw shall be filed with the Town Clerk, who shall forthwith transmit it to the Special Permit Granting Authority. The Special Permit Granting Authority shall hold a public hearing within sixty-five (65) days of the filing date and shall render a decision within ninety (90) days from the date of the public hearing. Failure to take final action within the ninety (90)-day period shall be deemed to be a grant of the special permit.

10.3.3 **Decision.** Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

10.3.3.1 Social, economic or community needs which are served by the proposal;

10.3.3.2 Traffic flow and safety, including parking and loading;

10.3.3.3 Adequacy of utilities and other public services;

- 10.3.3.4 Neighborhood character, aesthetics and social structures;
 - 10.3.3.5 Impacts on the natural environment; and
 - 10.3.3.6 Potential fiscal impact, including impact on Town services, tax base and employment.
- 10.3.4 **Procedures.** An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.
- 10.3.5 **Conditions.** Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.
- 10.3.6 **Plans.** An Applicant for a special permit shall submit a plan in substantial conformance with the requirements of the Special Permit Granting Authority.
- 10.3.7 **Regulations.** The Special Permit Granting Authority may adopt rules and regulations for the administration of this Section.
- 10.3.8 **Fees.** The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.
- 10.3.9 **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17 from the grant thereof) with the Town Clerk.

10.4 VARIANCES

- 10.4.1 **Permit Granting Authority.** Variances from the specific requirements of this Bylaw may be authorized by the Board of Appeals, except that variances authorizing a use not otherwise permitted in a particular zoning district shall not be granted.
- 10.4.2 **Application.** A petition for a variance shall be filed with the Town Clerk, who shall forthwith transmit it to the Board of Appeals. The Board of Appeals shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within one hundred (100) days from the date of filing. Failure by the Board of Appeals to take final action within the one hundred (100)-day period shall be deemed to be a grant of the variance.
- 10.4.3 **Findings.** Before granting a variance from the requirements of this Bylaw, the Board of Appeals must specifically find that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal

enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.

10.4.4 **Procedures.** An application for a variance shall be filed in accordance with the rules and regulations of the Board of Appeals.

10.4.5 **Conditions.** Variances may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Board of Appeals may deem necessary to serve the purposes of this Bylaw.

10.4.6 **Plans.** An Applicant for a variance shall submit a plan in substantial conformance with the requirements of the Board of Appeals.

10.4.7 **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of this Section.

10.4.8 **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for applications for variances.

10.4.9 **Lapse.** Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse. The Board of Appeals, in its discretion and upon the written application of the Applicant, may extend the time for exercise of the variance for a period not to exceed six (6) months provided that the application for such extension is filed with the Board of Appeals prior to the expiration of the one (1) year period. If the request for an extension is not granted, the variance may be reestablished only after notice and new hearing pursuant to M.G.L. Chapter 40A, Section 10.

10.5 REPETITIVE BYLAW AMENDMENT

10.5.1 **Repetitive Bylaw Amendment.** No proposed amendment to this Bylaw which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change has been recommended in the final report of the Planning Board to the Town Meeting.