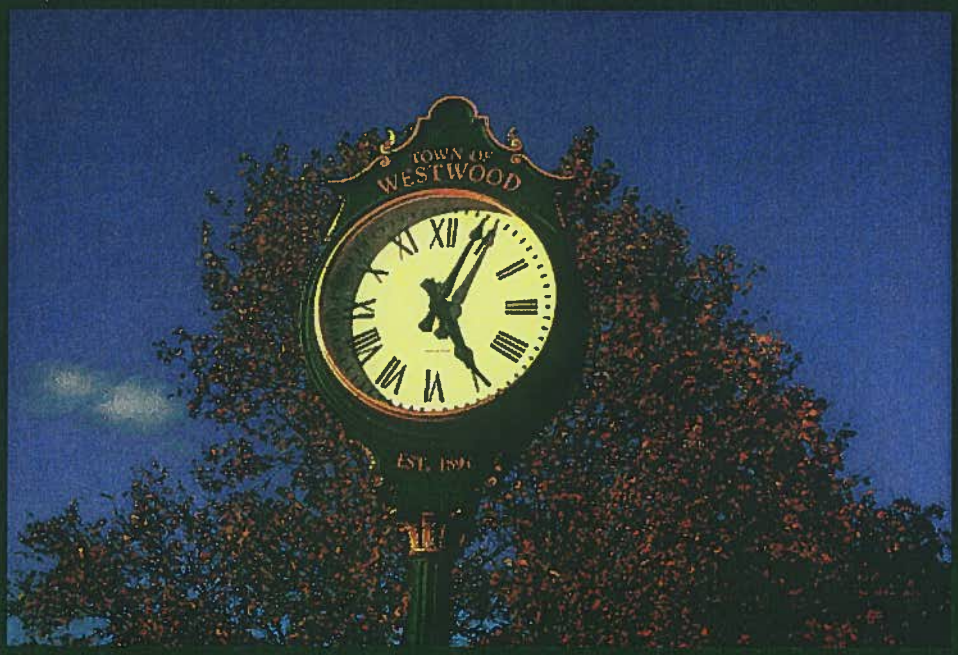
Westwood
Finance and Warrant Commission

Warrant and Recommendations For the Fall Annual Town Meeting



Fall Annual Town Meeting
November 18, 2013 – 7:30 P.M.
High School Auditorium

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THE FINANCE AND WARRANT COMMISSION

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WESTWOOD FINANCE AND WARRANT COMMISSION

A MESSAGE TO RESIDENTS

FROM CHAIRMAN MARIANNE LEBLANC CUMMINGS

Dear Resident,

First and foremost, please attend the Fall Annual Town Meeting on November 18!

The November 18 Fall Annual Town Meeting is the first to be held under a provision of the newly adopted Town Charter. That provision calls for a Fall Annual Town Meeting to be held in the last three months of the calendar year unless canceled by the Board of Selectmen.

The November 18 Town Meeting Warrant consists of 18 articles ranging in issues from acceptance/allocation of mitigation funds related to the University Station project to several zoning amendments. The 15 member Finance and Warrant Commission (Fincom) has spent considerable time and effort to question and/or comment on all these issues prior to their presentation to you, the Town Meeting voters. The Fincom also conducted a public hearing on October 21 to solicit input from residents prior to voting their recommendations.

Following each article is the Fincom recommendation as well as comments (italicized text) summarizing the purpose of the article.

We urge you to review the issues to be voted on November 18 and plan to attend to participate in important decisions pertaining to our Town.

Sincerely,

Marianne LeBlanc Cummings, Chairman

What Goes On At Town Meeting?

A Message from the Moderator

Our Town Meeting is conducted in accordance with the Town Bylaws (Article 3) and Massachusetts Law. Some major matters of procedure are summarized below.

General Information

- The moderator presides at the meeting and is responsible for ruling on procedural matters, overseeing orderly debate and preserving decorum.
- One hundred and seventy-five (175) registered voters constitute a quorum.
- Registered voters are entitled to attend, address the meeting and vote. Guests may attend the meeting, but can address the meeting only with the approval of the meeting.
- Warrant articles are presented in numerical order. A motion to take an article out of order requires a 2/3 vote of those present and voting.

Motions, Motions to Amend, and Votes Required

- An article in the warrant states a question for the town meeting to answer. A motion is a proposed answer to the question and must be within the scope (intent) of the article.
- The recommendation of the Finance Commission is the first motion under an article and is considered the main motion.
- The motion of the Finance Commission is open for discussion by the voters.
- Motions to amend the main motion, which are within the scope of the warrant article, may be made on town meeting floor.
- Ordinarily motions require a majority vote of the voters present and voting to pass. Certain motions require a 2/3, 4/5 or even a 9/10 due to provisions of Massachusetts law or the Town Bylaws. The moderator will announce the voting requirement before each vote is taken.

Motions for Indefinite Postponement and Motions to Reconsider

- A motion for indefinite postponement is equivalent to a motion that no action be taken under the article and such motion may not be amended.
- If the voters defeat the motion for indefinite postponement, favorable action on the subject matter of the article requires a motion to that effect.
- A motion to reconsider an article may only occur on the same night the article was voted and shall require a two-thirds (2/3) vote of those present and voting and shall not be made again.

Rules of Debate and Vote Counting

- A voter desiring to speak should rise, await recognition by the moderator, identify themselves when recognized and stand while speaking.
- All votes are taken in the first instance by voice vote and the moderator determines whether the motion carried or was lost. If the moderator cannot decide by the sound of voices, or if his announcement of the vote is doubted by seven (7) or more voters raising their hands for that purpose, the moderator shall without debate determine the vote by ordering a standing vote, or he may order a vote by secret written ballot.

The Issues…… 2013 Fall Annual Town Meeting Summary of Warrant Articles		
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The Commonwealth of Massachusetts
Norfolk ss:

To either of the Constables of the Town of Westwood in said County, GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and town affairs to meet in the Westwood High School Auditorium, Nahatan Street, in said Westwood on Monday, November 18, 2013 at 7:30 in the evening, there and then to act on the following Articles:

ARTICLE 1
To see if the Town will vote to raise and appropriate the sum of One Hundred Sixty-One Thousand Four Hundred Forty-Four Dollars ($161,444) for the operation of the municipal departments and public school system for the fiscal year July 1, 2013, through June 30, 2014, as set forth below, or take any other action thereon.

Budget	Amount	Funding Source
School Operating Budget	$146,858	FY14 State Aid
Municipal Operating Budget – Contract Reserve/Other	$14,586	FY14 State Aid

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

This article appropriates additional FY14 State aid received after the 2013 Annual Town Meeting.

ARTICLE 2
To see if the Town will vote to accept Nine Hundred and Twenty Five Thousand Dollars ($925,000) and reserve building permit fees paid by the proponents of the University Station project to the Town of Westwood and appropriate and allocate said funds by vote of the Board of Selectmen for the cost associated with the resources, staffing and equipment needs and facility plans and land acquisition related to the permitting, inspection, legal, valuation and other services for the University Station Project prior, during and after construction, or take any other action thereon.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Article 2 authorizes the Board of Selectmen to appropriate and allocate the building permit fees for permitting, inspection, legal, valuation, and other services prior to, during, and after construction of University Station.

Through Article 3 of the May 6, 2013 Special Town Meeting, the Town authorized the Board of Selectmen to negotiate and enter into a Development Agreement for University Station on behalf of the Town. The Board entered into a Development Agreement effective as of May 7, 2013. Through Section 10.4 of the Development Agreement, the Town agreed to place all building permit fees into a separate account and use these fees for certain specified costs, including the costs described above. The Town is obligated to provide an accounting of its expenditures once construction of the public infrastructure improvements and core development area is complete. Article 2 ensures that the Town will set up this account and take the steps necessary to account for any expenses incurred in connection with University Station.

The amount earmarked for the account at this Town Meeting is $925,000. This is based on a conservative estimate that ensures that the Town will have funds to cover any expenses over the next fiscal year. The Development Agreement estimates that the building permit fees for the entire University Station project, at full build-out, will be approximately $2.5 million, which means that additional amounts will require appropriations at future town meetings and will be earmarked as the development progresses.

ARTICLE 3

To see if the Town will vote to accept One Million Dollars ($1,000,000) in mitigation payments related to the University Station Project and appropriate and/or transfer from available funds for the purpose of designing, engineering, bidding and installing University Station neighborhood traffic calming measures and other measures to address potential traffic issues; to authorize the Board of Selectmen to allocate said funds for the purpose, and further to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for this purpose, or take any other action related thereon.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Articles 3, 4 and 5

Articles 3, 4, and 5 are necessary to appropriate University Station mitigation funds for various mitigation measures that the Board of Selectmen secured in the Development Agreement. These mitigation measures include installation of traffic calming improvements in the Canton Street/Everett Street/Forbes Road neighborhood near University Station, funds for engineering services to ensure that the Canton Street/University Avenue intersection functions efficiently and properly, and funds for such things as hiring and training additional police officers and firefighters, costs incurred by the Health Department and Department of Public Works, and

possible land acquisition cost for new town facilities. However, no funds could be spent on land acquisition costs without the future town meeting approval required by law.

Section 3.3 and Exhibit D of the Development Agreement require the developer of University Station, Westwood Marketplace Holdings LLC, to fund the Town's implementation of traffic calming measures in the Canton Street/Everett Street/Forbes Road neighborhood. Prior to issuance of the first building permit for the core development area, Westwood Marketplace must pay $1 million into a corridor mitigation fund for use in the efforts. This fund is intended to pay for the implementation of certain traffic-calming measures and for ongoing monitoring. When the balance of the corridor mitigation fund falls below $500,000, additional deposits must be made as a condition of future building permits, for a total of up to $2.1 million. Article 3 sets up the corridor mitigation fund and authorizes the Board of Selectmen to allocate expenditures from the fund. It also authorizes the Board of Selectmen to seek State and Federal grants and assistance for mitigating traffic impacts.

Article 4 puts into place a mechanism for carrying out the mitigation required by Section 3.3 and Exhibit C-1 of the Development Agreement. Those provisions require Westwood Marketplace to pay $250,000 toward studying and modifying, as necessary, the function and design of the Canton Street/University Avenue intersection. Although not part of the article, it is worth noting that the Town, in conjunction with Westwood Marketplace, has applied for a MassWorks grant in the amount of $5.5 million, which can also be used to study, design, and reconstruct this intersection, as well as make any additional improvements that might be required if the slip ramp from I-95 northbound is installed prior to the reconstruction of the I-95/I-93 Interchange.

Article 5 authorizes the Board of Selectmen to accept and allocate mitigation funds totaling $900,000. Westwood Marketplace is required to pay these funds under Section 7.1 of the Development Agreement upon issuance of the first building for vertical construction of a building containing commercial space within the core development area. Westwood Marketplace is expected to seek such a building permit this fiscal year.

Construction activity at University Station will be considerable over the next year. The appropriation authority granted to the Board of Selectmen by Articles 3, 4, and 5 is important to the safe and sound implementation of University Station, and to ensuring that the Town realizes all the benefits that have been promised.

ARTICLE 4

To see if the Town will vote to accept Two-Hundred and Fifty Thousand Dollars ($250,000) in mitigation payments related to the University Station Project and appropriate and/or transfer from available funds for the purpose of studying and/or designing and installing University Station neighborhood traffic calming measures and to address potential traffic issues; and to authorize the Board of Selectmen to allocate said funds for this purpose, and further to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for this purpose, or take any other action related thereon.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Please see Fincom comments following Article 3.

ARTICLE 5

To see if the Town will vote to accept Nine Hundred Thousand Dollars ($900,000) in mitigation payments related to the University Station and appropriate and/or transfer from available funds to defray Town costs including, hiring and training of additional police officers and firefighters and other expenses associated with the project; and to allocate said funds for this purpose, and further to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for this purpose, or take and other action related thereon.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Please see Fincom comments following Article 3.

ARTICLE 6

To see if the Town will vote to take the following several actions in furtherance of public necessity and convenience and in conjunction with certain improvements, changes and alterations to the location lines of a new roadway layout and underlying infrastructure existing or planned to serve the so-called University Station project (the "Project"):

(A) To authorize the Board of Selectmen to take and acquire, at no expense to the Town, by purchase, gift, eminent domain or otherwise, such land or other interests in land, and to lay out as Town ways, on terms acceptable to the Board of Selectmen, and to accept as town ways, the layouts of ways shown in the vicinity of and/or as part of University Avenue on certain layout plans, as most recently filed with the Town Clerk (the "Layout Plans");

(B) To authorize the Board of Selectmen to take and acquire, at no expense to the Town, by purchase, gift, eminent domain or otherwise, on terms acceptable to the Board of Selectmen, such land or other interests in land as are necessary (i) to benefit from temporary or permanent right of way easements for public travel, (ii) to install, operate and maintain public sidewalks, street lighting, traffic signals, directional signage, and similar transportation-related amenities and controls; (iii) to relocate railroad beacons; and (iv) to perform grading and other site work and construction work related to the construction of public ways, public sidewalks, street lighting, traffic signals, directional signage, and similar transportation-related amenities and controls; and

(C) To enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.

or take any other action relative thereto.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Article 6 allows the Town to refine and complete the layout of University Avenue, including the University Avenue/Canton Street intersection and the University Avenue/Harvard Street intersection, and to ensure that the new roadways include public sidewalks, street lighting, traffic signals, directional signage, and other amenities and controls necessary to make the roadways safe and convenient. The design of the roadways and intersections has been refined since the layouts authorized by Article 2 of the May 6, 2013 Special Town Meeting, and Article 6 authorizes the Board of Selectmen to implement these refinements. As with prior roadway articles, the Board of Selectmen is authorized to take land interests to the extent necessary for the layouts, amenities, and traffic controls, but this authorization imposes no financial burden on the Town. Any takings necessary will come at no expense, as the Town is fully indemnified by Westwood Marketplace.

ARTICLE 7

To see if the Town will vote to petition the Massachusetts General Court to enact the following special act:

AN ACT EXEMPTING THE POLICE DEPARTMENT OF THE TOWN OF WESTWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Section 1: The police department in the Town of Westwood shall be exempt from the provisions of Chapter 31 of the General Laws.

Section 2: The provisions of Section 1 of this act shall not impair the Civil Service status of the present incumbent uniformed Police Department personnel holding such status on the effective date of this act.

Section 3: This act shall take effect upon its passage.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

This article is intended to remove the Westwood Police Department from the limitations of Civil Service. This would allow the Town to hire and promote officers outside of the Civil Service procedures, thereby streamlining the process and greatly expanding the range and manner of consideration of candidates. The Town and its Police Department have come to an agreement related to such removal.

ARTICLE 8

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form:

AN ACT EXEMPTING BARRY CANAVAN FROM THE MAXIMUM AGE REQUIREMENT AS A FIREFIGHTER IN THE TOWN OF WESTWOOD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding sections 58, 61A and 61B of Chapter 31 of the General Laws or any other general or special law to the contrary, Barry Canavan of the Town of Rockland may have his name certified for original appointment to the position of firefighter in the Town of Westwood, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such appointment. In all other respects, Barry Canavan shall be eligible for appointment to the position of firefighter in the Town of Westwood only insofar as he qualifies and is selected for employment under Chapter 31 of the General Laws, any regulations of the Civil Service Commission and any lawful hiring practices of the Town of Westwood.

SECTION 2. This act shall take effect upon its passage.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Several years ago, Town Meeting voted to adopt Sections of Massachusetts General Laws which established a maximum age of 32 years for new firefighters and police officers being hired by the Town of Westwood.

Recently, Westwood's Fire Chief has identified a former firefighter from Hingham whom he would like to consider for the Westwood Fire Department. Prior to serving in the private sector capacity, Barry Canavan, age 36, had served as a municipal firefighter for eight years.

For this hiring to occur, the Town would need to be authorized by the legislature by a Home Rule Petition to hire this particular individual despite being older than the maximum age.

The Town could significantly benefit from this hire in a number of ways. First, we would be hiring an individual who has eight years of active duty experience, has been fully trained at the academy and, after a couple of weeks of orientation, would be qualified to count toward the Town's manning requirements. Therefore, the Town would realize a significant savings in time and training costs and a reduction of overtime expense by hiring this individual.

ARTICLE 9
To see if the town will authorize the Board of Selectmen to sell or lease properties on Assessor Map 21, Parcels 042 and 043, to an entity responding to a Request for Proposal (RFP) to be issued by the Town, or to take any other action related thereto.

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

This article is accompanied by the next article which considers rezoning these parcels. The Town is considering options for the reuse of the Obed Baker House and properties that would provide the necessary funds for its renovation and productive use. In order to proceed, the Board of Selectmen would need the authority to issue a Request for Proposal (RFP) to sell and/or lease the land and/or building.

The Board of Selectmen has indicated that a similar process to that used for the use and subsequent sale of the Colburn School building will be followed with the Obed Baker property; i.e., establish a group to determine the best use of the property prior to issuing the RFP.

ARTICLE 10
To see if the Town will vote to approve certain amendments to the Town of Westwood Official Zoning Map, to change the designation of a parcel, known as Assessor's Plot 21, Lot 43, from Single-family Residential C (SRC) District to Local Business A (LBA) District, or take any other action in relation thereto.

1) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, Version 2, November 18, 2013".

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

This article proposes to amend the Official Zoning Map to change the designation of a parcel, known as Assessor's Plot 21, Lot 43, from Single-family Residential C (SRC) District to Local Business A (LBA) District. This parcel is a 1.05 acre vacant Town-owned lot adjacent to the Obed Baker House on High Street. The proposed rezoning would result in an expansion of the existing LBA District, which currently encompasses the Obed Baker House, Dunkin Donuts, and other nearby commercial properties on either side of High Street.

ARTICLE 11

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.4 [Senior Residential Development (SRD)] as set forth below, or take any other action in relation thereto.

1) Remove the existing Section 8.4 [Senior Residential Development] in its entirety and replace with a new Section 8.4 [Senior Residential Development] to read as follows:

8.4 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

8.4.1 **Purposes.** The purposes of Senior Residential Development (SRD) are as follows:

8.4.1.1 to encourage the provision of independent living accommodations in the form of senior residential communities which are located and designed in such a manner as to uniquely serve the physical and social needs of senior residents, fifty-five (55) years of age and older, with a range of income levels and physical abilities;

8.4.1.2 to preserve and enhance Westwood's community character by ensuring design compatibility between new senior residential developments and existing neighborhoods; and

8.4.1.3 to preserve open space, protect natural and cultural resources, lessen disturbance to soils, topography and vegetation, and reduce the overall costs of developing high quality senior residential units by allowing for more efficient, compact layout than permitted under a conventional development.

8.4.2 **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.

8.4.3 **Conditions.** A SRD shall be subject to the following conditions:

8.4.3.1 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.

8.4.3.2 There shall be not more than two (2) bedrooms in any dwelling unit, nor shall there be any den, office, bonus room, loft, attic, or similar area which could be converted for use as a third bedroom.

8.4.3.3 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.

8.4.3.4 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.

8.4.3.5 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.

8.4.3.6 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.

8.4.4 **Types of Permissible Dwellings.** The following types of dwellings may be authorized by SRD Special Permit:

8.4.4.1 single-family detached houses;

8.4.4.2 two-family houses;

8.4.4.3 two-family semi-detached houses;

8.4.4.4 townhouse-type dwelling units; or

8.4.4.5 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.

8.4.5 **Specific Restrictions.** A SRD shall also be subject to the following specific restrictions:

8.4.5.1 The number of dwelling units in an SRD Project shall be determined, at the Board's sole discretion, to allow between one (1) and ten (10) dwelling units per acre, but in no case shall the number of dwelling units be determined to be less than permitted for single-family dwelling units in the underlying district. When determining the maximum number of dwelling units permitted for the SRD Project, the Board shall take into account the amount of land in the development lot or parcel which may not be reasonably suited for residential development, including but not limited to wetlands, significant rock outcroppings, and areas with slopes in excess of 15%. The Board shall also take into account the amount of land necessary for access and egress, parking, buffer areas and dedicated open space, and shall base its determination of appropriate project density on the remaining developable area. The determination of appropriate project density shall be made by the Planning Board, which shall take into consideration the density of the surrounding properties, the visibility of the proposed development from abutting properties and public ways, and any graphic or analytic materials provided by the Applicant.

8.4.5.2 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 one hundred percent (100%) of the front setback requirement in the underlying district. Where proposed structures are to be developed on new interior drives, front yard setbacks may be reduced to not less than twenty (20) feet. There shall be no minimum side or rear setback between structures within a proposed SRD, however each proposed principal and accessory structure, driveway, and interior drive shall be set back a minimum of thirty (30) feet from the sides and rear of the perimeter of the SRD.

8.4.5.3 There shall be provided at least one and one half (1-1/2) off-street parking spaces per dwelling unit, one of which is reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof, and provisions shall be made for additional visitor parking spaces, in an amount deemed appropriate by the Board.

8.4.5.4 The maximum permitted lot coverage for a SRD shall be fifty percent (50%), including all structures, roadways, driveways and parking areas.

8.4.5.5 A SRD Project shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the SRD Special Permit, and no separate EIDR Approval shall be required.

8.4.6 **Procedures.** An application for a SRD Special Permit shall be filed in accordance with the Planning Board's Rules and Regulations for Special Permits.

8.4.7 **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.

8.4.8 **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:

8.4.8.1 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, and demonstrated market for proposed age-restricted units;

8.4.8.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;

8.4.8.3 Provision of appropriately designed on-site community facilities to serve the recreational and social needs of the proposed SRD Project's residents, unless the Board determines that such is unnecessary due to location of an SRD Project in close walking distance to similar off-site facilities;

8.4.8.4 Impact on the natural environment;

8.4.8.5 Impact on vehicular and pedestrian movement and safety, both within the development and on proximate roads;

8.4.8.5 Compatibility of the proposed development with the surrounding neighborhood;

8.4.8.7 Suitability of the proposed design, location, and layout of the overall SRD, and of each individual dwelling unit and all proposed common facilities, to uniquely serve the physical and social needs of senior residents.

8.4.9 **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.

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

A Senior Residential Development (SRD) is permitted in all residential districts only upon the issuance of a special permit by the Planning Board. The Planning Board recently granted a SRD special permit for a 12-unit senior development on High Street. In light of its experience in reviewing this special permit application, the Board felt that the SRD section of the Zoning Bylaw would benefit from certain amendments to eliminate any ambiguity and ensure that potential applicants are fully aware of the Board's discretion in considering SRD applications. This article would add a clear purpose statement and expand upon certain conditions, restrictions and decision criteria that apply to SRD applications.

ARTICLE 12

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.3 [Open Space Residential Development (OSRD)] as set forth below, or take any other action in relation thereto.

1) Remove the existing Section 8.3.4 [Minimum Tract Requirements] in its entirety and replace with a new Section 8.3.4 to read as follows:

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, 200,000 square feet in SRC, and 400,000 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.

2) Remove the existing Section 8.3.8.2 [Site Plan Approval Required] in its entirety and replace with a new Section 8.3.8.2 to read as follows:

8.3.8.2 **Site Plan Approval Required.** An OSRD Project 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 OSRD-EIDR Approval in the office of the town clerk.

3) Remove the existing Section 8.3.8.3 [Uses Requiring Special Permit] in its entirety and replace with a new Section 8.3.8.3 to read as follows:

8.3.8.3 **Uses Requiring Special Permit.** An OSRD containing one or more structures of single-family attached housing, and/or one of more density bonus dwelling units, shall require an OSRD Special Permit issued by the Planning Board. The OSRD Project shall be subject to EIDR approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the OSRD Special Permit, and

no separate EIDR Approval shall be required. No building permit shall be issued for any structure within the OSRD prior to the recording of the OSRD Special Permit in the office of the town clerk.

4) Remove the existing Section 8.3.9.2 [Yield Calculation] in its entirety and replace with a new Section 8.3.8.3 to read as follows:

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 OSRD-EIDR or OSRD Special Permit 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 and all such other land as may be determined by the Board to be unsuitable for development, including but not limited to, significant rock outcroppings and areas with slopes in excess of 15%.

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:

Yield	Added Units
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.

5) Remove the existing Section 8.3.9.3 [OSRD Dimensional Requirements] in its entirety and replace with a new Section 8.3.9.3 to read as follows:

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 on existing street	100% of lot frontage requirement in underlying district	100% of lot frontage requirement in underlying district
8.3.9.3.3 Lot Frontage on an interior drive	75'	75'
8.3.9.3.4 Front Setback on existing street	100% of front setback requirement in underlying district	100% of front setback requirement 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'

6) Remove the existing Section 8.3.11.1 [Minimum Open Space Requirement] in its entirety and replace with a new Section 8.3.11.1 to read as follows:

8.3.11.1 **Minimum Open Space Requirement.** In the SRC and SRE districts, the OSRD shall protect in perpetuity at least fifty (50) percent of the total tract as common open space, or sixty (60) 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 sixty (60) 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.

7) Remove the existing Section 8.3.13 [EIDR Decision] in its entirety and replace with a new Section 8.3.13 to read as follows:

8.3.13 **OSRD-EIDR Decision.** Approval shall be granted by means of a written OSRD-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) Remove the existing Section 8.3.14 [Special Permit Decision for Single-family Attached Housing] in its entirety and replace with a new Section 8.3.14 [OSRD Special Permit Decision for Single-family Attached Housing] to read as follows:

8.3.14 **OSRD Special Permit Decision for Single-family Attached Housing**. Approval shall be granted by means of a written OSRD 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.

9) Remove the existing Section 8.3.15 [OSRD Special Permit Decision for Density Bonus Units] in its entirety and replace with a new Section 8.3.15 to read as follows:

8.3.15 **OSRD Special Permit Decision for Density Bonus Units.** Approval shall be granted by means of a written OSRD 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.

10) Remove the existing Section 8.3.16 [Special Conditions and Performance Guarantee] in its entirety and replace with a new Section 8.3.16 to read as follows:

8.3.16 **Special Conditions and Performance Guarantee.** The Planning Board may impose reasonable conditions as part of any OSRD-EIDR or OSRD Special Permit approval and may require suitable performance guarantees to assure compliance with those conditions.

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

An Open Space Residential Development (OSRD) is permitted in the Single-family Residential B, C and E (SRB, SRC and SRE) Districts. The OSRD Section of the Zoning Bylaw is intended to allow for a more environmentally sensitive alternative to a conventional subdivision. It permits the concentration of housing development on smaller lots than otherwise allowed in the applicable districts, and with reduced setback requirements, while requiring the preservation of a significant portion of the overall development tract as permanently protected open space.

This article proposes to amend the OSRD Section by increasing the minimum percentage of permanently preserved land from 40% to 50% of the overall development tract, and to amend the OSRD Section by increasing the minimum tract size within the SRC District from 160,000 to 200,000 square feet, and by increasing the minimum tract size within the SRE District from 200,000 to 400,000 square feet. The article would also impose requirements that new OSRD lots which front on existing roads be held to the same lot frontage and setback requirements as standard lots in the underlying district. These amendments are intended to maximize the preservation of open space, to limit the applicability of the OSRD Section to larger parcels that might otherwise be developed in a less sensitive manner, and to improve the compatibility between new OSRD developments and surrounding neighborhoods.

ARTICLE 13

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw, Section 8.1 [Conversion of One-Family Dwelling] as set forth below, or take any other action in relation thereto.

1) Remove the existing Section 8.1 [Conversion of One-Family Dwelling] in its entirety and replace with a new Section 8.1 [Conversion of One-Family Dwelling] to read as follows:

8.1 CONVERSION OF ONE-FAMILY DWELLING

8.1.1 **Purposes.** The purposes of this section are as follows:

8.3.1.1 to preserve culturally, historically, or architecturally significant residential structures of value to the community;

8.3.1.2 to encourage the preservation of community character through the maintenance of existing residential properties and their surrounding landscapes;

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

8.1.2 **Special Permit Required.** 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 was constructed on or before December 31, 1938, and provided that the exterior character of the property remains consistent with that of a single-family dwelling, and provided that no accessory apartment is in existence on the same property pursuant to Section 4.4.2 of this Bylaw.

8.1.3 **Alterations, Relocations, or Additions.** The Board of Appeals may allow for the alteration or relocation of a structure proposed for conversion under this section, and may allow for the construction of one or more additions to said structure, if in the Board's determination, the proposed alteration, relocation, or addition does not significantly change the exterior character of the property.

8.1.4 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 single-family and two-family dwelling units in Town.

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

The Zoning Bylaw currently allows for the conversion of single-family dwelling units to two-family dwelling units upon the issuance of a special permit by the Zoning Board of Appeals (ZBA), so long as the building proposed for conversion is 75-years old or older. This article would amend the applicable section of the Zoning Bylaw to include a clear purpose statement to guide the ZBA in its consideration of such special permit applications. It would also add language to address the alteration, relocation and/or addition to buildings proposed for

conversion to two-family dwellings units, as well as language to clarify that a single property may be eligible for a two-family conversion or an accessory apartment, but not both. Finally, the proposed article would replace the provision requiring that a building proposed for conversion must be at least 75 years old with a new provision requiring that a building proposed for conversion must have been constructed on or before December 31, 1938.

ARTICLE 14

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to distinguish between pet care facilities and commercial kennels, including amendments to Section 2.0 [Definition], Section 4.1 [Principal Uses], and Section 6.1 [Off-Street Parking] as set forth below, or take any other action in relation thereto.

1) Delete the definitions of "Kennel" and "Kennel, Commercial" under Section 2.0 in their entirety, and add new definitions for "Kennel", "Commercial boarding and training kennel,", "Commercial breeder kennel, "Personal kennel", and "Veterinary kennel" to read as follows:

   Kennel A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

   Commercial boarding or training kennel An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

   Commercial breeder kennel An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

   Personal kennel A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Veterinary kennel A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

2) Add a new definition for "Pet Care Facility" under Section 2.0 to read as follows:

   Pet care facility A commercial establishment which caters to the needs, comfort, and/or benefit of pets, or which offers pet-oriented services including the grooming of dogs or domesticated animals, but which does not engage in the housing, breeding, boarding, training, or sales of such animals, and does not provide animal daycare.

3) Amend Section 4.1 [Principal Uses] by changing the title of the existing Section 4.1.5.17 [Kennel, Commercial] to "Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel".

4) Amend Section 4.1 [Principal Uses] by adding a new Section 4.1.5.17 entitled "Pet Care Facility", with "Y" in columns under districts LBA, LBB, an HB, with "BA" in columns under districts I and IO, and with "N" in all other columns, and renumber subsequent sections as appropriate.

5) Amend Section 4.3 [Accessory Uses] by changing the title of the existing Section 4.3.3.9 [Kennel, or animal clinic or hospital, but only if located on the same premises as a dwelling unit and conducted by a resident thereof] to "Personal kennel, Veterinary kennel, or animal clinic or hospital, but only if located on the same premises as a dwelling unit and conducted by a resident thereof".

6) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by changing the title of the existing Section 6.1.5.9 [Kennel, Commercial] to "Commercial boarding or training kennel; Commercial breeder kennel; Veterinary kennel".

7) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by adding new Section 6.1.5.9 to read as follows, and renumber subsequent sections as appropriate:

6.1.5.9 Pet Care Facility	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

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

The Zoning Bylaw currently defines a commercial kennel to include the grooming of pets. As a result, any business which seeks to provide pet care and grooming may only be permitted in the Highway Business (HB) District, or within the Industrial (I) or Industrial Office (IO) Districts upon the issuance of a special permit by the ZBA. The proposed article would establish a separate use category – Pet Care Facility – which would be allowed within the Local Business A and B (LBA and LBB) Districts, as well as within HB, or within I or IO upon the issuance of a special permit by the ZBA. In addition, this article would bring the Zoning Bylaw definitions for kennels into conformance with state licensing definitions for the same facilities. As a result of these definition revisions, a Westwood household would be able to keep a maximum of four dogs, aged 3 months or older, without the need for a special permit from the Zoning Board of Review, where the current bylaw definitions would require a special permit for more than three dogs.

ARTICLE 15

To see if the Town will vote to approve certain amendments to the Town of Westwood Official Zoning Map, to correct errors or omissions, or take any other action in relation thereto.

1) Replace the map entitled "Official Zoning Map, May 6, 2013" with the map entitled "Official Zoning Map, Version 1, November 18, 2013".

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

It was recently brought to the Planning Board's attention that a zoning amendment approved at the 1977 Annual Town Meeting was inadvertently reversed on subsequent versions of the Official Zoning Map. The 1977 Town Meeting approved an amendment to the Zoning Map to change the designation of a portion of the St. John's property on Deerfield Avenue from SRE to SRC. The current Official Zoning Map, and several previous versions, incorrectly shows a portion of the rezoned property as SRE. This proposed article would correct the zoning designation and bring the Official Zoning Map into conformance with the 1977 Town Meeting Approval.

This article would also address minor errors and inconsistencies, including the alignment of the district boundary between the LBA and SRC Districts in the area of the Colburn Building and the Westwood Public Library on High Street. The district boundary shown on the current Zoning Map is not properly aligned with the property boundary separating these two parcels. The proposed article would set the zoning boundary so that it is consistent with the property boundary.

ARTICLE 16

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

inconsistencies and to clarify such sections, as set forth below, or take any other action in relation thereto.

1) Amend Section 2.0 [Definitions], definition of "Essential Service" by replacing the word "overhand" with the word "overhead", so that the amended definition reads as follows:

   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) Amend Section 4.1.3.4 "Senior Residential Development" by replacing the referenced section number "8.5" with the section number "8.4".

3) Amend Section 4.1.3.5 "Residential Retirement Community" by replacing the referenced section number "8.6" with the section number "8.5".

4) Amend Section 4.1.5.26 "General Services Establishment" by replacing the letter "Y" in the "SRD" column with the letter "N".

5) Amend Section 4.1.5.27 "Campground, wildlife preserve, fishing grounds operated not for profit" by replacing the letter "N" in the "SRD" column with the letter "Y".

6) Amend Section 6.2.8.2 [Sign Height Requirements] by replacing the referenced section number "5.2" with the section number "5.4".

7) Amend Section 6.2.14 [Special Permit] by deleting the word "permitted" before the words "number of signs".

(Planning Board)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

Minor housekeeping amendments are often necessary to clarify sections of the Zoning Bylaw, or to correct errors and inconsistencies with the Bylaw.

ARTICLE 17

To see if the Town will vote to adopt the following amendments to the General Bylaws:

Chapter 80, OFFICERS AND EMPLOYEES ARTICLE 1., General Provisions : § 80-9, Quarterly report by appointed boards, by deleting said section in its entirety and replacing it with the following:

"§80-9. Minutes

In Accordance with MGL ch.30A, §22c, Town Boards and Committees shall create and approve minutes of all open sessions in a timely manner. Upon approval, said minutes shall within 10 days, be posted on the town's website and filed with the Town Clerk."

(Town Clerk)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

The Town's Bylaw Review Committee, as it did at the 2013 Annual Town Meeting, presents this article related to edits and/or changes recommended when the Bylaws were recorded.

The Committee recommends deleting an unenforced section which is a burden for appointed Commissions and replacing it with a requirement to file meeting minutes.

ARTICLE 18

To see if the Town will vote to delete Town Bylaw 339-3(C) in its entirety and replacing it with the following:

"*The Police Department shall determine whether the applicant is suitable after completing fingerprint-based criminal record background checks and communicate their determination of suitability to the licensing authority within the Town."*

(Board of Selectmen)

The Finance and Warrant Commission, by unanimous vote of those present, recommends that the Town so vote.

The purpose of this article is to ensure that the Town of Westwood's Bylaw 339-3(C) is in compliance with the mandates of the Massachusetts General Laws which regulate the dissemination of Criminal Offender Record Information ("CORI"). CORI laws restrict access to this information to certain parties under specific circumstances. The language proposed in this article ensures that the information is distributed in a manner that is consistent with the directives of these laws.

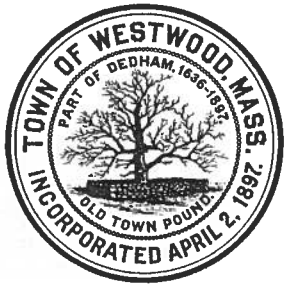
Mark Your Calendars Now!

Fall Annual Town Meeting
November 18, 2013
7:30 P.M.
High School Auditorium

Questions? Comments? Contact us:
☎(781)320-1029
Email: SNee@Townhall.Westwood.MA.US

Please Note:
The Town of Westwood accommodates the needs of all physically challenged or disabled people by reasonable means in accordance with the Americans with Disabilities Act. Please contact the Finance and Warrant Commission office at (781)320-1029 to make your request known.

FINANCE and WARRANT COMMISSION



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