

## Appendix B

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**Town Meetings**

**State Elections**

**Town Elections**

# Annual Town Election Results

April 30, 2013

2013 ANNUAL TOWN ELECTION RESULTS							
Tuesday, April 30, 2013							
<b>ASSESSOR - For Three Years</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	128	172	169	185	654	28.19%
	<b>MICHAEL P. KRONE</b>						
	38 Storrow Circle - Candidate for re-election	402	468	404	390	1664	71.72%
	All Others	0	2	0	0	2	0.09%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>
<b>HOUSING AUTHORITY - For Five Years</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	143	186	179	179	687	29.61%
	<b>JASON C. LEE</b>						
	69 Endicott Street - Candidate for re-election	387	453	393	396	1629	70.22%
	All Others	0	3	1	0	4	0.17%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>
<b>LIBRARY TRUSTEE - For Three Years</b>	<b>(2)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	322	412	413	465	1612	34.74%
	<b>KAREN A. COFFEY</b>						
	390 Weatherbee Drive-Candidate for re-election	399	438	394	393	1624	35.00%
	<b>RICHARD V. WADE</b>						
	104 Margery Lane	339	432	339	292	1402	30.22%
	All Others	0	2	0	0	2	0.04%
	<b>TOTAL</b>	<b>1060</b>	<b>1284</b>	<b>1146</b>	<b>1150</b>	<b>4640</b>	<b>100%</b>
<b>MODERATOR - For One Year</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	94	133	121	167	515	22.20%
	<b>ANTHONY J. ANTONELLIS</b>						
	21 Gay Street-Candidate for re-election	436	507	452	406	1801	77.63%
	All Others	0	2	0	2	4	0.17%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>
<b>PLANNING BOARD - For Three Years</b>	<b>(2)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	322	407	404	472	1605	34.59%
	<b>BRUCE H. MONTGOMERY</b>						
	89 Highview Street-Candidate for re-election	373	427	370	354	1524	32.84%
	<b>JOHN J. WIGGIN</b>						
	55 Gloucester Road-Candidate for re-election	365	446	371	322	1504	32.41%
	All Others	0	4	1	2	7	0.15%
	<b>TOTAL</b>	<b>1060</b>	<b>1284</b>	<b>1146</b>	<b>1150</b>	<b>4640</b>	<b>100%</b>
<b>SCHOOL COMMITTEE - For Three Years</b>	<b>(2)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	321	392	393	440	1546	33.32%
	<b>CAROL S. LEWIS</b>						
	47 Ellis Street - Candidate for re-election	372	444	376	336	1528	32.93%
	<b>JOHN J. O'BRIEN, JR.</b>						
	91 Hawktree Drive - Candidate for re-election	367	440	377	374	1558	33.58%
	All Others	0	8	0	0	8	0.17%
	<b>TOTAL</b>	<b>1060</b>	<b>1284</b>	<b>1146</b>	<b>1150</b>	<b>4640</b>	<b>100%</b>
<b>SELECTMAN - For Three Years</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	103	134	134	173	544	23.45%
	<b>PATRICK J. AHEARN</b>						
	103 Church Street-Candidate for re-election	427	503	439	401	1770	76.29%
	All Others	0	5	0	1	6	0.26%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>
<b>SEWER COMMISSIONER - For Three Years</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	132	167	165	191	655	28.23%
	<b>JAMES M. CONNORS</b>						
	44 Whitney Avenue-Candidate for re-election	398	473	407	384	1662	71.64%
	All Others	0	2	1	0	3	0.13%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>
<b>TOWN CLERK - For Three Years</b>	<b>(1)</b>	<b>Pct.1</b>	<b>Pct.2</b>	<b>Pct.3</b>	<b>Pct.4</b>	<b>TOTAL</b>	<b>TOTAL</b>
	Blanks	73	107	97	121	398	17.16%
	<b>DOROTHY A. POWERS</b>						
	9 Hedgerow Lane-Candidate for re-election	457	535	476	454	1922	82.84%
	All Others	0	0	0	0	0	0.00%
	<b>TOTAL</b>	<b>530</b>	<b>642</b>	<b>573</b>	<b>575</b>	<b>2320</b>	<b>100%</b>

# Annual Town Election Results

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	No. of Voters Registered	No. of Voters Who Voted	Percent
Precinct 1	2,710	530	20%
Precinct 2	2,729	642	24%
Precinct 3	2,713	573	21%
Precinct 4	2,487	575	23%
TOTAL	10,639	2320	22%

# Special State Primary Elections

April 30, 2013

**THE COMMONWEALTH OF MASSACHUSETTS SPECIAL STATE PRIMARY  
TOWN OF WESTWOOD  
TUESDAY, APRIL 30, 2013**

DEMOCRATIC PARTY						
SENATOR IN CONGRESS	Pct.1	Pct.2	Pct.3	Pct.4	TOTAL	TOTAL
Blanks	0	1	0	1	2	0.10%
STEPHEN F. LYNCH	240	304	247	288	1079	53.76%
EDWARD J. MARKEY	249	242	282	150	923	45.99%
All Other Votes	1	0	1	1	3	0.15%
<b>TOTAL</b>	<b>490</b>	<b>547</b>	<b>530</b>	<b>440</b>	<b>2007</b>	<b>100%</b>

REPUBLICAN PARTY						
SENATOR IN CONGRESS	Pct.1	Pct.2	Pct.3	Pct.4	TOTAL	TOTAL
Blanks	3	2	0	0	5	0.64%
GABRIEL E. GOMEZ	104	106	111	79	400	51.41%
MICHAEL J. SULLIVAN	53	65	70	60	248	31.88%
DANIEL B. WINSLOW	31	22	35	34	122	15.68%
All Other Votes	0	1	1	1	3	0.39%
<b>TOTAL</b>	<b>191</b>	<b>196</b>	<b>217</b>	<b>174</b>	<b>778</b>	<b>100%</b>

Precinct	Registered	Voted	Percent
1	2,710	681	25%
2	2,729	743	27%
3	2,713	747	28%
4	2,487	614	25%
<b>TOTAL</b>	<b>10,639</b>	<b>2,785</b>	
<b>TOTAL PERCENTAGE OF VOTERS:</b>			<b>26%</b>

# Special Town Meeting *Minutes*

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Monday, May 6, 2013  
Westwood High School Gymnasium



## WESTWOOD RECORDS SPECIAL TOWN MEETING MONDAY MAY 6, 2013

Pursuant to a warrant dated April 1, 2013, signed by Selectmen, Patrick J. Ahearn, Nancy C. Hyde and Philip N. Shapiro, the inhabitants of Westwood qualified to vote in Elections and Town affairs, convened in the Westwood High School Gymnasium on Monday, May 6, 2013 at 7:30 p.m.

The meeting was called to order at 7:56 pm. By Moderator Anthony J. Antonellis who declared the presence of a quorum.

The Moderator recognized the victims of the Boston Marathon bombings with a moment of silence. The Return of Warrant was read, after which all stood for the Pledge of Allegiance to the Flag.

The next order of business was the swearing of those Town Officials who were elected to office on Tuesday, April 30, 2013, by Town Clerk, Dorothy A. Powers.

Two resolutions were presented and read;

***The first Resolution was presented to Gerard J. Cronin by Town Clerk, Dorothy A. Powers.***

WHEREAS, Gerard J. Cronin has served as an Election Officer beginning in 1997 at Precinct 4, the Downey School, and moving to Precinct 3, the Hanlon School, where he became the Election Warden in 2003 until the announcement of his retirement at the conclusion of the 2013 Annual Town Election/Special State Primary.

WHEREAS, in the role as Warden he has been the chief Election Officer for Precinct 3, the Hanlon School. His responsibilities included supervising all Election Officers before, during, and after the polls closed; tabulating election results and reporting any discrepancies encountered during the day to the Town Clerk. He also maintained order at his precincts and handled any violations of Election laws properly and with professionalism.

WHEREAS, under Gerard's leadership, Election Officers worked hard to assist every registered voter in casting a ballot and ensure it was safely secured until the close of polls. His welcoming personality, patience, and kindness created a pleasant and positive experience for voters and staff. He treated everyone with dignity and respect at all times. We were fortunate to have Gerard serve the community in this important role and are proud of his wonderful service in Election administration.

WHEREAS, we are fortunate to have had Gerard's many years of service with Election support as well as his many volunteer hours on various appointed Town Boards and Committees.

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2013 Annual Town Meeting, officially recognize and express its gratitude to Gerard Cronin for his dedicated service to the Town, and

## Special Town Meeting *Minutes*

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BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town of Westwood and a copy be given to Gerard J. Cronin.

*The second Resolution was presented to Eric Gutterson by Selectmen, Patrick Ahearn.*

WHEREAS, Eric Gutterson served on the Board of Library Trustees for fifteen years from 1998 through 2013, and

WHEREAS, during his terms on the Library Trustees, he was elected to several terms as Chairman and Clerk, representing the Trustees at various Board of Selectmen and Finance and Warrant Commission meetings throughout his service, and

WHEREAS, his advocacy for library services to Town residents was marked by exemplary standards of integrity and openness, and an unwavering commitment to literacy, and

WHEREAS, Eric was the first President of the Westwood Public Library 21<sup>st</sup> Century Fund, Inc., a non-profit corporation to provide support for the construction of the new public library where funds were raised to be used by the Town of Westwood to defray some of the project's cost and provide resources to help maintain the facility, and

WHEREAS, as a resident of Westwood, he is also involved in a variety of organizations and endeavors throughout the community, and

BE IT THEREFORE RESOLVED that the Town of Westwood, by vote of those present at the 2013 Annual Town Meeting, officially recognizes and expresses its gratitude to Eric Gutterson for his dedicated service to the Town, and

BE IT FURTHER RESOLVED that this resolution be placed in the official records of the Town and a copy be given to Eric Gutterson.

*The John J. Cronin Public Service Award was then presented to Margery H. Eramo for her exemplary service, dedication, and commitment to the Town of Westwood by Philip Shapiro, Chairman of the Board of Selectmen*

The Moderator began the business portion of the meeting at 8:20 p.m. with 1300 registered voters in attendance. The Special Town Meeting Warrant contained 7 articles relating to the University Station project. Residents were given an overview of the project by Philip Shapiro, Chairman of the Board of Selectman followed by John J. Wiggin, Chairman of the Planning board. Upon conclusion of the presentations, each article was presented by the Moderator and residents were given the opportunity to comment. All seven articles were approved by the registered voters who were in attendance.

*The votes were as follows:*

**Special Town Meeting, Article 1.** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw (the "Zoning Bylaw") and Official Zoning Map (the "Zoning Map"), and to approve a Master Development Plan for the so-called University Station project, as follows:

## Special Town Meeting *Minutes*

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- (i) To amend the Zoning Bylaw by adopting a new bylaw Section 9.8, entitled University Avenue Mixed Use District (“UAMUD”):

### **9.8 UNIVERSITY AVENUE MIXED USE DISTRICT (UAMUD)**

9.8.1 **Purpose.** The University Avenue Mixed Use District (UAMUD) is an overlay district established to encourage the development of mixed use projects in an area that provides proximate access to major highways and public transportation. The UAMUD provisions are intended to promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, that will address Town and regional interests in additional employment, housing, and tax revenue.

9.8.2 **Location.** The UAMUD boundary is as shown on a map of land entitled “University Avenue Mixed Use District,” filed with the Town Clerk, which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this Bylaw.

9.8.3 **Master Development Plan.** The project developed pursuant to this Section 9.8 must have a Master Development Plan adopted by a two-thirds vote of a town meeting in accordance with the procedures for adoption or change of zoning ordinances or by-laws set forth in M.G.L. Chapter 40A, section 5. As used in this Section 9.8, the term “UAMUD project” refers to the project that is depicted on this Master Development Plan, entitled “University Avenue Mixed Use District Master Development Plan,” prepared by Tetra Tech, dated November 30, 2012, revised December 11, 2012, further revised March 22, 2013, the term “UAMUD project area” refers to the geographic area for the project delineated on the Master Development Plan, and the term “proponent” refers to the proponent or developer of the proposed UAMUD project or any phase or portion thereof.

9.8.3.1. **General Plan Requirements.** The package of Master Development Plan materials submitted for approval at Town Meeting shall include the following information, which shall be on file with the Town Clerk and available for review:

- (a) The area of land proposed to be developed under this Section 9.8.
- (b) A plan of existing conditions showing the topography and features, including wetlands and water bodies, if any, of the land to be developed, as well as the boundaries of the Water Resource Protection Overlay District (WRPOD) in relation to the land to be developed.
- (c) Plans showing the location and width of the existing and proposed roads and ways that will serve the land to be developed, together with a description of the means by which the proposed roads and ways are to be laid out, including whether such roads and ways are to be created through the Subdivision Control Law and/or as public ways to be laid out through town meeting approval.

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- (d) Bicycle and pedestrian pathways, including the expected circulation routes.
- (e) A mix of complementary land uses, including both residential and nonresidential development.
- (f) A summary plan showing the location of permissible building areas, with the following indicated for each: designated Use Type(s), as defined in Section 9.8.3.4; maximum building height for buildings in each development area (i.e., each area restricted to certain Use Types as identified on the plan); maximum floor area ratio (FAR) for the overall development; a schedule showing the overall number of parking spaces to be provided for the development, subject to adjustment based upon use changes and tenancy requirements; and aggregate maximum developable gross floor area and unit count, as applicable, for each use category for the entire UAMUD project.
- (g) The location, size, and designated use of dedicated open space, recreational, and buffer areas, including the general nature of the proposed buffer.
- (h) Illustrated descriptions of amenities and design features, such as streetscape improvements, landscaping, and signage, to be included as part of the proposed development.
- (i) Illustrations of the general architecture of the proposed structures. For structures located within 300 feet of residentially-zoned areas, the illustrations must show the height of the proposed structures in relation to surrounding buildings and topography.
- (j) Accompanying technical reports and studies, consisting of a (i) stormwater and drainage report, (ii) fiscal impact study (including the impact on tax revenue of the proposed mix of commercial and residential uses), (iii) traffic study, (iv) noise study, and (v) utilities report.
- (k) A summary of the proposed mitigation and traffic improvements, including concept plans for proposed offsite mitigation, exactions, financial contributions, easements, land grants, alternative affordable housing arrangements, if applicable, and other items to be addressed through the Development Agreement required to be entered into with the Town.

9.8.3.2. **Core Development Area Requirements.** The Master Development Plan shall delineate a Core Development Area (CDA), which shall include Open Space Uses in addition to Retail/Service Uses and other Use Types,

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as defined in Section 9.8.3.4 below. With respect to the CDA, the Master Development Plan submittals shall show the following additional details:

- (a) The location of the CDA, together with the location of buildings within that area.
- (b) A narrative describing all significant details of the CDA.
- (c) The layout of parking, loading, and landscaped areas, and pedestrian and bicycle paths.
- (d) Roadway, drainage and utility infrastructure servicing the CDA.
- (e) Architectural elevations or perspectives of all buildings and parking structures.
- (f) With respect to any proposed residential development, (i) the location of residential building(s), (ii) the total number of units allocated by bedroom type in each residential building, (iii) the number of Affordable Housing units in each residential building, and (iv) the number of dwelling units designed for inclusion on the Massachusetts Department of Community Development (DHCD) Subsidized Housing Inventory.
- (g) The FAR of the CDA.
- (h) A description of the anticipated use(s) of each building within the CDA, including identification of any anticipated uses that would require a special permit, which shall be provided for informational purposes only.
- (i) Documentation, including, without limitation, plans, letters, and/or memoranda, that any proposed work within the WRPOD complies with the requirements of Section 9.8.5.
- (j) An initial estimated development timeline for the CDA, which shall be provided for informational purposes only.
- (k) A list of the sustainable development measures to be included in the project.
- (l) The titles and dates of all submittals intended to satisfy the requirements of this Section 9.8.3.2.

9.8.3.3. **Additional Details for Non-CDA Areas.** To the extent available, the Master Development Plan shall include the type of details required for the CDA pursuant Section 9.8.3.2 for the non-CDA portions of the Master Development Plan.

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- 9.8.3.4. **Use Types.** For the purposes of this Section 9.8, the UAMUD Use Types set forth below shall be established and identified on the Master Development Plan where applicable. Multiple Use Types may be contained within a single building or structure or on a single lot.
- 9.8.3.4.1. **Retail/Service Use Type.** Includes uses that involve the sale of goods and/or provision of services to the public, which uses are typically found in a shopping center or mixed-used development with a retail component.
- 9.8.3.4.2. **Restaurant/Entertainment Use Type.** Includes uses that involve preparation, service, and sale of meals for consumption by the public and/or that otherwise provide recreational or entertainment opportunities to the public.
- 9.8.3.4.3. **Office/R&D Use Type.** Includes uses that involve the provision of office space to individuals and businesses, including businesses that are involved in research and development, which uses are typically found in an office building or mixed-used development with an office component.
- 9.8.3.4.4. **Hotel/Commercial Lodging Use Type.** Includes commercially-oriented lodging and senior living uses, such as conventional and extended-stay hotels, assisted living, memory care and nursing or convalescent facilities (including hospice care).
- 9.8.3.4.5. **Residential Use Type.** Includes multi-family dwellings.
- 9.8.3.4.6. **Municipal Use Type.** Includes all facilities that are owned or operated by or for benefit of the Town of Westwood or other governmental authority.
- 9.8.3.4.7. **Open Space Use Type.** Includes all green, landscaped, and open space areas, wellhead protection areas, and stormwater management areas designed to serve stormwater control, recreational, buffering and/or open space purposes. Such areas may include, without limitation, underground utilities, stormwater control infrastructure, and sidewalks and paths to be used for pedestrian and/or bicycle circulation and/or active or passive recreation.
- 9.8.4 **Permitted Uses.** The land and buildings shown on an approved Master Development Plan may be used for any use permitted as of right or by special permit as set forth below, provided that the use is located in an area where the applicable Use Type is designated on the Master Development Plan (subject to the exceptions identified below as being

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allowed anywhere on the Master Development Plan). Multiple uses may be contained within a single building or structure or on a single lot, provided that each such use is either permitted by right or has been granted a special permit where required by this Section 9.8.4.

## 9.8.4.1. **Principal Uses Permitted By Right**

### 9.8.4.1.1. **Retail/Service Use Type.** See Section 9.8.3.4.1

- a. Bank or Financial Institution, including Drive-Through Service
- b. Business Services Establishment
- c. General Services Establishment
- d. Personal Services Establishment
- e. Professional Services Establishment
- f. Printing/copy/publishing establishment
- g. Retail sales and services establishment, including pharmacy with Drive-Through Service

### 9.8.4.1.2. **Restaurant/Entertainment Use Type.** See Section 9.8.3.4.2

- a. Coffee Shop, which may include Drive-Through Service, provided that any Coffee Shop located in Development Area A, as shown on the Master Development Plan, shall be accessory to, and located within the same building as, an Office/R&D Use.
- b. Fast Order Restaurant, provided that any Fast Order Restaurant located in Development Area A shall be accessory to, and located within the same building as, an Office/R&D Use.
- c. Fitness or Health Club, provided that any Fitness or Health Club with an outdoor recreation component shall be located solely within Development Area C.
- d. Ice Cream Parlor, provided that any Ice Cream Parlor located in Development Area A shall be accessory to, and located within the same building as, an Office/R&D Use.
- e. Restaurant with or without entertainment, less than 10,000 square feet, provided that any Restaurant less than 10,000 square feet located in Development Area A shall be accessory to, and located within the same building as, an Office/R&D Use.

### 9.8.4.1.3. **Office/R&D Use Type.** See Section 9.8.3.4.3

- a. Business Services Establishment
- b. Data Storage Facility
- c. Educational Use, Non-Exempt
- d. General Office

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- e. Medical Center or Clinic
- f. Office of Health Care Professional
- g. Professional Services Establishment
- h. Research and Development

9.8.4.1.4. **Hotel/Commercial Lodging Use Type.** See Section 9.8.3.4.4

- a. Assisted Living Residence
- b. Memory Care Facility
- c. Motel or Hotel
- d. Nursing or Convalescent Home (including hospice care)

9.8.4.1.5. **Residential Use Type.** See Section 9.8.3.4.5

- a. Multi-Family Dwelling in accordance with Section 9.8.4.5, Residential Use Requirements, provided that no more than 350 units total are permitted without a special permit.

9.8.4.1.6. **Municipal Use Type.** See Section 9.8.3.4.6

- a. Municipal Facilities

9.8.4.1.7. **Uses Allowed Anywhere on the Master Development Plan**

- a. Commercial Parking Garage
- b. Child Care Facility
- c. Cultural Facility
- d. Educational Use, Exempt
- e. Essential Services
- f. Shuttle Service

9.8.4.2. **Uses Permitted By Special Permit**

9.8.4.2.1. **Retail/Service Use Type.** See Section 9.8.3.4.1

- a. Drive-Through Service, unless identified in Section 9.8.4.1, provided that the later addition of Drive-Through Service to a Bank or Financial Institution, a pharmacy, or a Coffee Shop shall require Project Development Review pursuant to Section 9.8.12.2.2 of this Bylaw if the building containing such use was not originally built so as to provide Drive-Through Service.

9.8.4.2.2. **Residential Use Type.** See Section 9.8.3.4.5

- a. Multi-family Dwelling in accordance with Section 9.8.4.5, Residential Use Requirements.

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- 9.8.4.2.3. **Restaurant/Entertainment Use Type.** See Section 9.8.3.4.2
- a. Restaurant with or without entertainment, 10,000 square feet or more
  - b. Commercial Recreation, Indoor, except for Fitness or Health Club, which is allowed by right pursuant to Section 9.8.4.1.2.c. Such uses include, but are not limited to, movie theater, music venue, bowling alley, and other entertainment uses that are not accessory to a use permitted by right.
  - c. Commercial Recreation, Outdoor

Notwithstanding any other provision of this Zoning Bylaw, the Planning Board shall be the special permit granting authority for all uses set forth above.

9.8.4.3. **Prohibited Uses**

Any use(s) not expressly allowed pursuant to Sections 9.8.4.1 or 9.8.4.2 shall be prohibited unless the Building Commissioner, in consultation with the Town Planner, determines that a proposed use is substantially similar in both its characteristics and its impact on abutting properties to either a use listed as permitted by right or a use listed as permitted by special permit, and provided further that if the use is substantially similar to a use listed as permitted by special permit, a special permit shall be required, and the Planning Board shall be the special permit granting authority. Prohibited uses include, but are not limited to, the following uses.

- 9.8.4.3.1. Earth removal or mining operations, except for site work and excavation activity in connection with the construction of buildings and structures, including building pads, roadway construction, or the installation of utilities or other development infrastructure
- 9.8.4.3.2. Junkyard or Automobile Graveyard
- 9.8.4.3.3. Landfills and open dumps, as defined in 310 CMR 19.006
- 9.8.4.3.4. Landfilling of sludge and septage
- 9.8.4.3.5. Light Manufacturing
- 9.8.4.3.6. Manufacturing
- 9.8.4.3.7. Motor Vehicle General Repairs and Body Repair
- 9.8.4.3.8. Motor Vehicle Light Service
- 9.8.4.3.9. Motor vehicle sales and rentals; motor vehicle general and body repairs; motor vehicle light service
- 9.8.4.3.10. Self-Storage or Mini-Storage Facilities
- 9.8.4.3.11. Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow

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or ice which has been removed from roadways located outside of the UAMUD project area

- 9.8.4.3.12. Warehouse, wholesale, or distribution facility with or without outdoor storage, provided that warehouse-type retail sales and home improvement stores are a permitted Retail/Service Use Type. An existing warehouse, Light Manufacturing, wholesale, or distribution facility within the UAMUD project area that is in existence as of the date of adoption of this Section 9.8 is an allowed use, provided that any expansion of the building containing this use requires a special permit issued by the Planning Board pursuant to Section 10.3, Special Permits.

9.8.4.4. **Accessory Uses.** Any use that is incidental to, or customarily used in connection with, any principal use permitted within the UAMUD project shall be permitted as an accessory use, provided that such use would not be prohibited within the UAMUD project as a principal use. Without limiting the foregoing, the following accessory uses shall be permitted:

9.8.4.4.1. **Accessory Uses Permitted By Right**

- a. Outdoor display, storage, sales, and seating, provided that the requirements of Section 9.8.7.3 are met
- b. Automated Teller Machines (ATMs)
- c. Sales, service, and installation of mobile automotive audio provided in connection with a principal retail use
- d. Medical Center or Clinic in connection with a principal retail use
- e. Pet grooming, veterinary services, and boarding provided in connection with a principal retail use
- f. Retail Take-Out Counter
- g. Uses within an office building that support office uses, including, without limitation, health and fitness centers, restaurants/cafeterias, dry cleaner drop-off service, and small-scale retail stores

9.8.4.4.2. **Accessory Uses Permitted By Special Permit**

- a. Within the area off Harvard Street shown as Development Area C on the Master Development Plan, and upon the issuance of a special permit by the Planning Board pursuant to Section 10.3, Special Permits, sales and installation of automotive tires, batteries, and similar accessories provided in connection with a principal retail use, provided that no general repair of automobiles, including body work and oil/lubrication services, shall be permitted; provided further that, if such accessory automotive use is located within the WRPOD, then the applicable special permit

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shall be issued pursuant to Section 9.3, with the Planning Board designated as the special permit granting authority.

- b. Storage of calcium chloride, chemically treated abrasives or other chemicals, but not sodium chloride, solely to be used for the removal of snow or ice on the roadways, walkways, or parking lots within the UAMUD project area, provided that these chemicals are stored in a structure with an impermeable cover and impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated runoff or leachate into the soil, groundwater, or surface water.
- c. With the exception of (i) outdoor commercial recreation and (ii) entertainment accessory to restaurant of less than 10,000 square feet, any accessory use that would require a special permit if conducted as a primary use shall also require a special permit if conducted as an accessory use.

Notwithstanding any other provision of this Zoning Bylaw, the Planning Board shall be the special permit granting authority for all accessory uses set forth above.

9.8.4.4.3. **Accessory Use Not Located on the Same Lot as Principal Use.** An accessory use may be located on a different lot from its associated principle use provided that the accessory use remains reasonably proximate to the principal use. The location of an accessory use on a different lot than the principal use shall require the Planning Board's determination, at an administrative meeting, that such accessory use is generally compatible with the surrounding development area.

9.8.4.5. **Residential Use Requirements.** All residential components of a UAMUD project shall comply with the below provisions. Except as provided in Section 9.8.4.5.3.b below, for purposes of this Section 9.8.4.5, an Assisted Living Residence, Memory Care Facility, and Nursing or Convalescent Home shall not be considered a residential component, with the exception of any such facilities that are independent dwelling units because they have independent kitchens and bathrooms or any such facilities that contain multiple independent dwelling units within one structure.

9.8.4.5.1. **Dwelling Units.** The aggregate of all residential components shall not exceed a maximum of 650 dwelling units. A maximum of 350 dwelling units shall be allowed

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by right. Any dwelling units above the 350 dwelling units allowed by right shall require a special permit from the Planning Board pursuant to Section 9.8.4.5.4.

9.8.4.5.2. **Design.** All residential components shall be appropriately integrated with the overall development through the use of sidewalks, crosswalks, and other pedestrian connections, and shall be of a scale and character that both enhances and complements the overall development and ensures the advancement of smart growth initiatives so as to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transport users of all ages and abilities.

9.8.4.5.3. **Affordable Housing.** All of the following requirements for affordable housing must be satisfied:

- a. Of the three hundred and fifty (350) residential units allowed by right in the CDA, a minimum of two hundred and twenty-one (221) units plus ten percent (10%) of all units in excess of two hundred and twenty-one (221) must, in the determination of the Planning Board, be designed for inclusion on the DHCD Subsidized Housing Inventory.
- b. A minimum of ten percent (10%) of total dwelling units in excess of the 350 dwelling units allowed by right, if any, must be Affordable Housing units. In addition, if the units within any Assisted Living Residence, Memory Care Facility, or Nursing or Convalescent Home are included in the Town's total number of housing units on the DHCD Subsidized Housing Inventory, then ten percent (10%) of these units shall be Affordable Housing units, unless the proponent satisfies the alternative requirements provided in Section 9.8.4.5.3.c below.
- c. In the alternative to Section 9.8.4.5.3.b above, for each Affordable Housing unit required but not included within the UAMUD project, the Planning Board, in its discretion, may allow the proponent: (i) to provide an Affordable Housing unit at an off-site location; or (ii) to make a payment to the Town's Affordable Housing Trust Fund in an amount that the Planning Board determines adequate to offset the lack of the Affordable Housing unit within the UAMUD project area.

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- d. All Affordable Housing units provided under this Section 9.8.4.5.3 must be permanently encumbered so as to be maintained as Affordable Housing units in perpetuity.

### 9.8.4.5.4.

**The Special Permit Requirement.** Development of dwelling units above the initial 350 dwelling units requires a special permit to be issued by the Planning Board pursuant to this Section 9.8.4.5.4. No special permit for such additional residential development shall be issued until at least 60% of the initial 350 dwelling units have been occupied.

- a. **Application and Administrative Requirements.** The requirements of Sections 10.3.2 and 10.3.4 through 10.3.9 of this Bylaw shall apply to any special permit required under this section provided that the Planning Board shall have the discretion to waive applicable filing requirements based upon information already provided to the Planning Board in connection with prior UAMUD project reviews.
- b. **Decision.** A special permit shall be granted by the Planning Board only upon its written determination that the adverse effects of the proposed residential component 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 making this determination, the Planning Board may make such findings as are deemed relevant by the board for consideration of the potential adverse effects and beneficial impacts associated with a particular project. However, no special permit shall be granted unless the board finds, at a minimum, that:
  - 1. The residential use is physically and functionally integrated with surrounding uses and provides appropriate access to public transportation infrastructure.
  - 2. The residential use is one component of a larger, coherent plan for a project component in which it shares public spaces, amenities, and pedestrian circulation.

3. The residential use is part of, supports, or complements a predominantly nonresidential project component.
4. The dwelling units diversify the housing choices within the UAMUD project area and the community.
5. With the inclusion of the residential component, the overall UAMUD project still results in net fiscal benefits to the Town, and the proponent has adequately mitigated any adverse fiscal impacts of the proposed residential use.
6. The residential use adequately accommodates and addresses traffic flow and safety, is adequately serviced by utilities and other public services, and does not pose unacceptable and unmitigated impacts on the environment.
7. The residential use meets the affordable housing requirements of Section 9.8.4.5.3.

9.8.4.6. **Determination of Permitted Uses.** All individual uses shall be subject to the requirements of Sections 9.8.4, including special permit requirements where applicable. In the event of an uncertainty as to whether an individual use is included within a Use Type set forth in Section 9.8.3.4, which Use Type is specified as a Permitted Use Type for the relevant section of the Master Development Plan, the Building Commissioner, after consultation with the Town Planner, shall make a determination as to whether such use is appropriately included.

## 9.8.5 Water Resources Protection Overlay District (WRPOD) Requirements

9.8.5.1. **Special Permit Granting Authority.** Except as provided in Section 9.8.5.2 below, any use allowed pursuant to Section 9.8.4 shall, if located within the WRPOD, satisfy the requirements of Section 9.3 of this Bylaw. Where a WRPOD special permit is required under the provisions of this section, the Planning Board shall be the special permit granting authority, and the requirements of Sections 9.3.8 through 9.3.12 shall apply to such special permits, except that all references to the Board of Appeals in those sections shall, for purposes of this provision, be deemed references to the Planning Board.

9.8.5.2. **WRPOD Standards and Requirements.** To the extent the requirements of Section 9.3, Water Resource Protection Overlay District (WRPOD), are inconsistent with the requirements of this Section 9.8.5.2, the requirements of this section shall govern a UAMUD project.

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- 9.8.5.2.1. **Storage.** The following storage uses shall not require a special permit pursuant to Section 9.3.5 or be subject to the requirements of Section 9.3.7.5, unless expressly stated otherwise, provided that they satisfy the general requirements of Section 9.8.5.2.10.
- a. Hazardous Materials. The storage of Hazardous Materials in greater than household quantities solely for sale at the same retail store where these materials are stored. For purposes of this provision, Hazardous Materials shall include liquid petroleum products packaged for consumer use.
  - b. Liquid Petroleum Products. The storage of liquid petroleum products solely for use in an emergency or back-up generator. In addition, liquid petroleum products in the fuel tanks of vehicles parked in parking structures or on lots within the UAMUD project area shall not be considered the storage of liquid petroleum products pursuant to Section 9.3.5.2 or the storage of hazardous materials pursuant to Section 9.3.7.5.
  - c. Commercial Fertilizers. Storage of commercial fertilizers and soil conditioners solely for sale at the same retail store where these materials are stored.
  - d. Snow or Ice Removal Chemicals. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice solely for sale at the same retail store where these materials are stored.
- 9.8.5.2.2. **Construction-Related Excavation.** The removal of soil, loam, sand, gravel or any other mineral substances for excavation for construction-related activities in conformance with approved plans, including the construction of roadways, utilities, and other infrastructure, shall be permitted by right and shall not be restricted in any way by Section 9.3.6.6.
- 9.8.5.2.3. **Minimum Lot Area.** Minimum lot area for a lot within the WRPOD shall be the minimum lot area required in Section 9.8.7.1.
- 9.8.5.2.4. **Drainage.** The requirements for the recharge of storm drainage may be met across the aggregate of all land within

the UAMUD project area, but do not have to be met on each individual lot. All drainage shall meet the stormwater management standards adopted by the Massachusetts Department of Environmental Protection (DEP). The WRPOD is a “critical area” under these standards.

- 9.8.5.2.5. **Vegetation.** No less than twenty percent (20%) of the overall UAMUD project area shall be maintained as a green or vegetated area. Such green or vegetated area may be provided (a) within the UAMUD project area and/or (b) within areas outside such UAMUD project area, but within the UAMUD, that are or will be subject to a recorded easement, restriction or covenant, or other instrument deemed appropriate by the Planning Board.
- 9.8.5.2.6. **Impervious Areas.** If a UAMUD project includes areas both within and outside of the WRPOD, then all stormwater runoff from buildings shall be directed to recharge systems anywhere within the UAMUD project area, in accordance with applicable DEP regulations, and all other runoff shall be required to comply with the stormwater management standards adopted by DEP.
- 9.8.5.2.7. **Public Water Supply.** The location and use of new buildings, structures, parking areas, disposal facilities, point source discharges, and other infrastructure within the Zone I area that extends outward in a 400-foot radius from any public water supply well shall be reviewed and approved as part of the approval of the Master Development Plan and, to the extent outside of the CDA, as part of Project Development Review pursuant to Section 9.8.12.2.2 of this Bylaw and shall not require a special permit pursuant to Section 9.3.5; provided that the Planning Board may, in its discretion, require a special permit pursuant to Section 9.3.5 if it determines that any changes to the approved Master Development Plan within the Zone I area may pose material adverse impacts to water quality. A special permit shall not be required for minor adjustments in the location and configuration of the buildings, parking areas and other site features which are considered de minimis by the Building Commissioner.

Within the Zone I area, the following limitations shall apply. To the extent that any other provisions of the Bylaw are inconsistent with the limitations set forth below, the limitations set forth below shall control.

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- a. No portion of a building containing a home improvement store or any retail use that will store or sell toxic or hazardous materials regulated under Section 9.3 of the Zoning Bylaw on substantially the same scale as, or in similar quantity to, a home improvement store shall be located within the Zone I area.
- b. No fertilizers, herbicides, or insecticides shall be used within the Zone I area, except for organic and/or low-phosphorous alternatives that are appropriate for use in sensitive areas and have been approved in writing by the Town Planner after consultation with the Dedham Westwood Water District.
- c. Any commercial dumpsters or commercial compactors located outdoors within the Zone I shall have an impermeable lid or cover integral to the dumpster or compactor itself and shall be located on an impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.
- d. Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals is prohibited within the Zone I area.
- e. No emergency or back-up generators, nor storage of liquid petroleum products for use in an emergency or back-up generator, shall be located within the Zone I area.

9.8.5.2.8. **Storage and Use of Snow Removal Materials.** Within any portion of the UAMUD project area within the WRPOD, the storage of calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways, but not sodium chloride, may be allowed by special permit, consistent with Section 9.8.4.4.2.b, provided that these chemicals are stored in a structure with an impervious cover and on an impervious

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surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. In addition, only calcium chloride shall be used in such areas, provided that the Town Planner, after consultation with the Dedham Westwood Water District, may approve in writing the use of a snow removal agent shown to be less harmful to the environment.

9.8.5.2.9. **Wastewater.** All UAMUD uses located within the WRPOD requiring wastewater disposal shall be connected to a public sewer system or be served by a local area or on-site treatment facility approved by the Planning Board by special permit pursuant to Section 10.3, Special Permits.

9.8.5.2.10. **General Requirements within the WRPOD**

- a. Hazardous Materials, commercial fertilizers and soil conditioners, and sodium chloride, calcium chloride, chemically treated abrasives or other chemicals offered for sale at a retail store must be individually packaged in household quantities within covered, leak-proof containers designed for consumer purchase and use. Except as provided in subsection (b) below, such retail containers must be stored above-ground within a fully-enclosed structure with an impervious cover and on an impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.
- b. Commercial fertilizers and soil conditioners offered for sale may be stored within the garden center or similar section of a home improvement store or similar retail operation, provided that they are sited in a structure with an impervious cover and on an impervious surface with a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.
- c. Liquid petroleum products used for emergency or back-up generators must comply with Section 9.3.7.5, Storage of Hazardous Materials.

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- d. Any home improvement store, and any retail use that will store or sell toxic or hazardous materials regulated under Section 9.3 on substantially the same scale as, or in similar quantity to, a home improvement store, shall file with the Building Commissioner a Spill Prevention and Contingency Plan to prevent, contain, and control the spill of oil and/or hazardous materials. Any such store shall also (a) maintain an emergency services agreement with a licensed hazardous materials clean-up contractor to respond to a release at a store location, including any loading dock or outdoor loading area associated with the store location, and (b) ensure that its employees receive such hazardous material training as is required by law.
- e. All loading docks shall be fully sealed so that loading and unloading activities occur within the applicable building. Loading dock areas shall benefit from a drainage system sufficiently designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water, to include catch basins with oil/gas/sand interceptors providing at least 200 gallons of storage. Shut-off valves on proposed drain lines must be accessible above ground, clearly labeled, properly maintained, and located so as to prevent accidental damage. Spill response requirements must be posted within the loading dock. Employees using the loading dock shall receive training in the use of shut-off valves and the containment of spills.

9.8.5.2.11. **Building Commissioner Review.** Prior to issuance of a Certificate of Occupancy for any use subject to this Section 9.8.5, the Building Commissioner shall review and confirm compliance with the foregoing standards and requirements. Nothing in this provision shall preclude the Planning Board from reviewing compliance with these standards and requirements as part of its Project Development Review.

9.8.6 **Protection of Existing Uses.** Except for existing warehouse uses as provided in Section 9.8.4.3.12, the requirements of this Section 9.8 shall not apply to any existing building(s) within the Master Development Plan project area unless such building(s) are redeveloped, expanded, or changed in use as part of the UAMUD project, and such existing buildings and the existing use(s) thereof shall be treated as nonconforming uses and structures in accordance with Section 4.5, Nonconforming Uses and Structures.

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9.8.7 **Dimensional Standards and Requirements.** The alternative dimensional and other requirements set forth in this Section 9.8.7 shall be used for a UAMUD project rather than the requirements provided elsewhere in this Bylaw, including, without limitation: Section 5.2, Table of Dimensional Requirements; Section 5.3, Notes for Table of Dimensional Requirements; Section 5.4, Height Regulations; Section 5.5.4, Corner Clearance; Section 5.5.5, Uses within Setbacks; Section 5.5.6, Creation of Ways; Section 6.3.2, Buffer Areas in Nonresidential Districts; Section 6.3.9, Screening Standards; Section 6.5, Floor Area Ratio Limitation; and Section 7.1, Earth Material Movement.

9.8.7.1 **Table of Dimensional Requirements**

Minimum Lot Area	15,000 square feet
Maximum Building Height ^ *	
Development Area A <sup>+</sup>	70 feet
Development Area B	80 feet
Development Area C	60 feet
Development Area D	60 feet
Core Development Area 1	60 feet
Core Development Area 2	70 feet
Core Development Area 3	60 feet
Core Development Area 4	60 feet
Maximum Floor Area Ratio**	1.0

^ In no event shall the height of a building exceed one hundred seventy-eight and one-half (178½) feet above the North American Vertical Datum of 1988 (NAVD88).

\* Unoccupied mechanical features such as chimneys, clock towers, ventilators, skylights, tanks, bulkheads, penthouses, antennae, green energy infrastructure, rooftop screening elements, and functional, decorative, or architectural features carried above the roof line are exempted from the limitations on building height

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provided they do not collectively cover more than thirty percent (30%) of the roof area of the building, provided that no such features exceed one hundred seventy-eight and one-half (178½) feet above NAVD88. Upon issuance of a special permit by the Planning Board pursuant to Section 10.3, Special Permits, an increase in building height to a maximum of 120 feet shall be permitted in the development area located to the south/east of University Avenue, identified as Development Area B on the Master Development Plan, provided that no building, including unoccupied mechanical structures, shall exceed one hundred seventy-eight and one-half (178½) feet above NAVD88.

+ Development Areas and Core Development Areas are shown on the Master Development Plan.

\*\* The floor area ratio on individual lots within the UAMUD project area may exceed the limits set forth herein, provided that the aggregate FAR of all lots in the overall UAMUD project otherwise complies with such limit.

9.8.7.2 The buffer and screening requirements set forth in Sections 6.3.2 through 6.3.10 of this Bylaw shall not apply. Instead, wherever the UAMUD project area abuts or is within twenty (20) feet of the boundary line of any Residential District, there shall be a buffer area with a minimum width of one hundred (100) feet. Said buffer area may include streets, access drives, and other means of public access comprising no more than ten percent (10%) of the applicable buffer area, and shall be used to minimize visual impact on any adjacent residential uses through the use of plantings, berms, and/or fencing, or alternatively may be developed as a publicly accessible open space area with walkways and other opportunities for passive recreation.

9.8.7.3 Outdoor seating for retail use, restaurants, and other uses shall not be subject to Section 6.3.1, Enclosure Requirements in Highway Business and Industrial Districts. However, the following standards shall apply to all outdoor seating, sales, and display areas within a UAMUD project:

- (a) In all cases, sufficient clearance of at least six (6) feet shall be maintained for safe and efficient public access along sidewalks, access drives, and roadways.
- (b) Such areas shall be appropriately separated from streets and sidewalks by means of fencing, plantings, or other similar measures.
- (c) Outdoor sales and display areas shall be maintained in a neat and orderly condition at all times.

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All proposed outdoor seating, sales, and display areas within an UAMUD project must be approved in writing in advance by the Building Commissioner and, once implemented, shall be reconfigured upon the order of the Building Commissioner as the Building Commissioner deems necessary to address public safety, convenience, order, or appearance.

- 9.8.7.4 More than one (1) building shall be permitted on any lot.
- 9.8.7.5 The owner of any lot shown on the approved Master Development Plan shall be entitled to lawfully divide such lot, including without limitation by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, section 81P, without modifying the approved Master Development Plan and without the need for other approvals under this Bylaw, provided that any such lot must have minimum frontage of 50 feet at the street line. To the extent consistent with the Subdivision Control Law, M.G.L. Chapter 41, section 81K, et seq., lots within an approved UAMUD project may be separated by a public or private way.
- 9.8.7.6 Except where otherwise expressly provided in this Section 9.8.7, all dimensional requirements applicable to a UAMUD project shall be calculated across the entire UAMUD project area, irrespective of individual lot lines within the UAMUD development. Consistent with typical site configurations for larger, complex mixed-use developments, individual buildings within the UAMUD development may be located immediately adjacent to individual lot line boundaries. Without limiting the foregoing, there shall be no minimum corner clearance, lot width, setback requirements, minimum non-wetland area, maximum building coverage, maximum impervious surface, or lot coverage requirements for a project developed under this Section 9.8, provided that a minimum setback and corner clearance may be required by the Planning Board to preserve acceptable sightlines for traffic safety.
- 9.8.8 **Parking and Loading.** The alternative parking requirements set forth in this Section 9.8.8 shall be used for a UAMUD project rather than the requirements applicable to the underlying district as provided under applicable Planning Board regulations and/or elsewhere in this Bylaw, including, without limitation, Sections 6.1.1 through 6.1.26.
  - 9.8.8.1 Expected parking requirements for the UAMUD project shall be as set forth on a schedule included with the Master Development Plan (the “Parking Schedule”), rather than by reference to Section 6.1.2. The number of parking spaces within a UAMUD project or any portion thereof shall be approved by the Planning Board as part of a Conformance Determination, as defined in Section 9.8.12.2.1, or as part of a Project Development Review (PDR) Approval, as defined in Section 9.8.12.2.2, as applicable, and the actual aggregate number of spaces approved by the Planning Board may vary from the Parking Schedule. The number of spaces contained within the UAMUD project may change from time to time, based upon changes in use and tenant requirements. Such adjustments in spaces may be accomplished without the

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need for further Planning Board review or approval, unless on-site parking has been deemed inadequate by the Building Commissioner. Such parking shall be deemed inadequate if the on-site parking area is often substantially full and there is frequent parking of vehicles in access drives or on streets within or near the UAMUD project area. In such case the Planning Board shall review the issues at an administrative meeting and determine whether to require PDR Approval for parking modifications.

- 9.8.8.2 If accepted by the Planning Board as part of a Conformance Determination, as defined in Section 9.8.12.2.1, or as part of a PDR Approval, as defined in Section 9.8.12.2.2, for other phases or areas shown on the Master Development Plan, shared off-street parking arrangements, which may include structured parking, shall be permitted and may be located on contiguous lots or on separate lots that are within the UAMUD Project area.
- 9.8.8.3 There shall be no minimum parking setback requirements as required in Section 6.1.18 except at any boundary line at the perimeter of the overall Master Development Plan area. The number of entrances and exits shall be the minimum necessary for safe and efficient traffic circulation.
- 9.8.8.4 Parking lot landscaping, both internal and perimeter, for a UAMUD project shall be substantially as shown on the approved Master Development Plan and as accepted by the Planning Board as part of a Conformance Determination, as defined in Section 9.8.12.2.1, or as part of a PDR Approval, as defined in Section 9.8.12.2.2. Where provided, trees shall be spaced, on average, not more than twenty-seven (27) feet on center.
- 9.8.8.5 Parking may be provided through any combination of at grade, on street, and/or structured parking facilities, both stand-alone and part of other buildings. Parking for cars and bicycles shall be as accepted by the Planning Board as part of a Conformance Determination, as defined in Section 9.8.12.2.1, or as part of a PDR Approval, as defined in Section 9.8.12.2.2. Bicycle racks for parking shall comply with standards adopted by the Planning Board in the Rules and Regulations promulgated under this Section 9.8.
- 9.8.8.6 Sidewalks or multipurpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces, or other destination points within the development.
- 9.8.8.7 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 while loading or unloading, or while waiting to load or unload.

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- 9.8.9 **Transportation Demand Management (TDM).** A TDM program, satisfactory to the Planning Board, shall be provided, including the following:
- (a) The appointment of a TDM Coordinator for the project, or separate TDM Coordinators for individual components of the project;
  - (b) The submission of a TDM plan for the project, or separate TDM plans for individual components of the project, to include programs and techniques designed to reduce single-occupancy vehicle use, and to facilitate the use of alternative means of transportation, and which may include membership in the Neponset Valley Transportation Management Association or its successor, or a similar organization approved by the Planning Board.
- 9.8.10 **Signage.** The alternative sign requirements set forth in this Section 9.8.10 shall be used for a UAMUD project rather than the signage requirements applicable to the underlying district as provided elsewhere in this Bylaw. All signs shall be as defined in Section 9.5.11.1.
- 9.8.10.1. **Development Identification Sign.** A UAMUD project shall be allowed to install and maintain development identification signs in the vicinity of each substantial gateway(s) or entrance(s) to the project from neighboring streets, which signs may be installed at on-site and/or off-site locations. 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 occupants within the development. Development identification signs may have two (2) faces, each of which shall not exceed two hundred (200) square feet of copy area, excluding frame and borders. Development identification signs shall not exceed twenty-five (25) feet in height. Development identification signs shall include appropriate materials and landscaping to ensure an attractive entrance(s) to the development.
- 9.8.10.2. **Wall or Awning Signs.** Any combination of Wall Signs and Awning Signs shall be permitted such that the aggregate of all such Wall Signs and Awning Signs associated with each individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street facade. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Awning Signs shall have at least 8 feet clearance above the pedestrian grade.
- 9.8.10.3. **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 sixteen (16) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting Signs must have at least eight (8) feet of clearance above the pedestrian grade, and shall not project more than six (6) feet from a building facade.

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- 9.8.10.4. **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window 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, measured across the longest facade in the case of establishments with more than one street façade, 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.
- 9.8.10.5. **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 four (4) 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.
- 9.8.10.6. **Way Finding Signs.** Way Finding Signs shall be allowed throughout a development, and may be allowed both on site and at off-premises locations. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic and pedestrian 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.
- 9.8.10.7. **Directory Sign.** One or more Directory Signs shall be permitted within the UAMUD project area. Directory Signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of eight (8) feet above ground.
- 9.8.10.8. **Temporary Construction Signs.** Temporary Construction Signs for both owners and occupants of lots within the approved Master Development Plan shall be permitted. Temporary Construction Signs shall not exceed thirty-two (32) 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.
- 9.8.10.9. **Prohibited Signs.** Roof signs, flashing signs, variable lit signs, variable message signs, except as permitted in Section 9.8.10.6, flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any UAMUD project. Temporary signs are prohibited except as provided in Section 9.8.10.8 or in connection with

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special events and seasonal displays. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such sign meets all other provisions of this Section 9.8.10.

- 9.8.10.10. **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.
- 9.8.10.11. **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 indirect illumination shall only be permitted by steady white light. Notwithstanding the above, Awning Signs shall not be internally illuminated.
- 9.8.10.12. **Project-Specific Signage Alternative.** In recognition of the interrelated nature of signage systems in complex, mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, notwithstanding the provisions of Sections 9.8.10.1 through 9.8.10.11 of this Bylaw, the Planning Board may, as part of its Conformance Determination for the CDA or PDR Approval for all other areas and phases of the UAMUD project, approve an alternative signage package or alternative signs for the UAMUD project, provided that the Planning Board finds that the alternative adequately addresses the needs of the development and traffic safety while appropriately balancing any impacts on the surrounding environment.

**9.8.11 Design and Performance Standards.** The following design and performance standards shall apply to UAMUD projects. These standards shall be reflected in the Master Development Plan submittals for the CDA and, to the extent practicable, for the non-CDA areas. The standards and requirements set forth in this Section 9.8.11 shall override any other standards and requirements imposed elsewhere in this Bylaw, except as expressly provided in Section 9.8.

9.8.11.1. **Building Design**

- (a) **General.** 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.
- (b) **Exterior Materials.** Exterior walls for the project shall use a combination of architectural masonry materials, including but not

limited to brick, glass, stone, stucco, exterior insulation and finishing system (EIFS), high quality siding and shingles, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Stainless steel shall be used solely as accents at entrances or windows, unless otherwise approved by the Planning Board as part of its Conformance Determination or PDR Approval. Colors shall be medium values of natural building materials such as earth, stone, etc. Extremes of colors shall not be used except as accents at entrances.

- (c) **Facade Treatments.** To avoid long unbroken expanses of wall, the architecture shall incorporate, as appropriate, design features providing horizontal and vertical relief including projections, building jogs, elements of transparency or windows, architectural detailing, and changes in surface materials. The design of public entrance ways shall incorporate architectural features and elements to emphasize the entrance locations and interrupt long stretches of building facade. The facades of parking structures shall be designed to a standard of architectural finish consistent with other buildings within the project. All exterior walls shall be designed and finished with materials that maintain a consistent architectural character with adjoining buildings. Complementary use of public pedestrian spaces may also be considered as a contributory element.
- (d) **Relationships Among Structures and Components.** Buildings and parking structures shall be designed with common elements that both create a sense of unity and express a relationship to the interior. An example is using ornamentation to reflect floor levels. These elements may include the horizontal spacing of bays, columns, and windows; and the vertical alignment and spacing of floors. 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. Special attention shall be paid 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.
- (e) **Detailing.** Architectural detailing and surface textures and colors of adjoining components of the UAMUD project, such as anchor stores, residential structures, and parking structures, should be related and contribute to an overall sense of cohesion within the project. While a variety of design treatments is encouraged to avoid monotony, individual components shall be designed to avoid overly strong contrasts.

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- (f) **Rooftops.** Rooftop mechanical features, heating and air conditioning units, vents, stacks, mechanical penthouse(s) shall be screened by use of parapet walls or similar elements
  
- 9.8.11.2. **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 project infrastructure shall be subject to reasonable visual mitigation requirements, including, but not limited to, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods necessary to assure an attractive visual environment.
  
- 9.8.11.3. **Utilities.** All new, permanent utilities such as electricity, telephone, gas, and fiber optic cable to be installed in connection with the UAMUD development shall be placed underground. All UAMUD developments, and all principal buildings within them, shall be connected to the public water supply. Sewage collection shall be by the public sewage collection system or by a local area or on-site treatment facility approved by the Planning Board by special permit pursuant to Section 10.3, Special Permits. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.
  
- 9.8.11.4. **Land Uses and Common Areas.** Open space or publicly-accessible common areas shall be included within the development, to encourage pedestrian activity and to visually separate buildings or groups of buildings. When reasonably feasible, independently sited common areas shall be connected to other nearby open space and common areas by use of pathways and other similar pedestrian connections.
  
- 9.8.11.5. **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall be designed in accordance with applicable engineering standards, and shall be designed with sufficient capacity to accommodate anticipated trip generation and turning movements, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain and encourage pedestrian and bicycle circulation.
  
- 9.8.11.6. **Circulation, Traffic Impact & Public Street Access.** A UAMUD development shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates varied transportation modes, both vehicular and non-vehicular. This system shall include the layout of roadways, interior drives, automobile and bicycle parking facilities and shall include pedestrian and bicycle circulation and directional signage. 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

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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 using traffic engineering and traffic calming techniques. Drive-Through Services shall not impede the circulation of traffic on roadways or within parking lots in a way that gives rise to congestion or safety hazards. The proponent shall provide plans identifying potential locations for future shuttle or bus stops in the event that a shuttle or public bus service becomes available.

- 9.8.11.7. **Public Safety.** UAMUD projects shall be designed and located so as not to endanger their occupants or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles.
- 9.8.11.8. **Stormwater Management.** Stormwater management systems serving the proposed development shall be designed in conformance with DEP 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. 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. 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 shall be used as an alternative to closed systems.
- 9.8.11.9. **Outdoor Lighting.** Lighting shall be designed so as to avoid any material light trespass and glare on adjacent neighborhoods, business areas, and streets. 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. The project shall incorporate lighting practices and systems that will reduce light pollution and conserve energy, while maintaining reasonable nighttime safety and security. Section 6.4 shall not be applicable to a UAMUD project.
- 9.8.11.10. **Mixed Uses and Activities.** A UAMUD project must contain a mix of uses. Proponents are strongly encouraged to include a beneficial mix of commercial and non-commercial uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.
- 9.8.11.11. **Energy Efficiency.** A UAMUD project shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air

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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.

- 9.8.11.12. **Sustainability.** Tenants shall be encouraged to adopt energy-efficient construction methods and technologies using a Tenant Energy Efficiency Manual that identifies green requirements, initiatives, and goals for the UAMUD project. The Tenant Energy Efficiency Manual is to be prepared by the proponent and provided to each tenant within the UAMUD project. The UAMUD project shall also voluntarily submit to a state-level review of its greenhouse gas impacts, and, in connection with such review, shall incorporate sustainable measures and practices, potentially including white roofing, daylighting, photovoltaics, LED technology, water using fixtures that meet WaterSense or equivalent standards, and similar measures, that demonstrate a measurable reduction in such impacts.
- 9.8.11.13. **Public Gathering Areas.** A UAMUD development 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. These public gathering areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties.
- 9.8.11.14. **Air Quality, Noise, Vibration, Etc.** The approved project, when open, shall comply with applicable DEP standards as to the project's environmental impacts. Under no circumstances shall the project result in "noxious" impacts to the environment or the community, and the air quality, noise, and vibration impacts associated with the project shall be appropriate for the project and the character of surrounding uses, with the sole exception of any temporary impacts associated with public gatherings or special events, emergency and public safety vehicle operations, construction, and similar activities. Section 6.6 shall not be applicable to UAMUD projects.
- 9.8.11.15. **Construction Solid Waste Management.** The proponent shall make arrangements for the disposal of tree stumps and debris resulting from construction, and shall arrange for appropriate on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, protected from wind and other weather conditions, 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.

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- 9.8.11.16. **Water Quality.** The requirements with respect to uses and structures within the WRPOD are addressed in Section 9.8.5.
- 9.8.11.17. **Spill Prevention and Response.** The proponent shall provide an operation and maintenance plan and an emergency response and contingency plan that identify design and operational controls and measures to prevent and respond to potential releases, discharges, and spills of oil and/or hazardous material within the UAMUD project area that are appropriate in view of the proximity to public water supply.
- 9.8.11.18. **Water Efficiency.** A UAMUD project shall incorporate water-efficient technology in building materials, air conditioning systems, irrigation systems, and plumbing fixtures and appliances, and shall, where reasonably feasible, utilize EPA WaterSense or equivalent labeled toilets, faucets, urinals, showers, pre-rinse nozzles and irrigation controllers.

### 9.8.12 Administration

- 9.8.12.1. **Development Agreement.** A UAMUD project shall mitigate the impacts of the development to the satisfaction of the Town both through seeking grants and incentives from state and/or federal agencies and the proponent's mitigation commitments and contributions. The mitigation and other general project commitments of the proponent shall be memorialized in a Development Agreement entered into between the proponent and the Board of Selectmen. No building permit shall be issued until the Development Agreement has been executed.
- 9.8.12.2. **Project Review**
  - 9.8.12.2.1. **Conformance Determination.** The CDA shall undergo Conformance Determination review simultaneously with the Planning Board's review and recommendation of this Section 9.8 for purposes of Town Meeting approval. In the event that the Planning Board requires additional information or materials prior to approving the CDA, and the proponent is not able to deliver such materials sufficiently in advance of Town Meeting, then the CDA shall undergo Conformance Determination following the receipt of such materials by the Planning Board. All other areas and phases of the approved UAMUD project shall undergo Project Development Review in accordance with Section 9.8.12.2.2 below. The Planning Board shall issue the Conformance Determination if it finds that the final plans and materials (i) materially conform to the approved Master Development Plan materials, and (ii) are otherwise compliant with the standards and requirements set forth in this Section 9.8. The Conformance Determination shall be

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conclusive evidence of such findings. No building permit shall be issued with respect to the CDA prior to the issuance of a Conformance Determination for the CDA.

9.8.12.2.2. **Project Development Review.** Following approval of the Master Development Plan for a UAMUD project by Town Meeting, the proponent shall undergo Project Development Review for any phase or area of the approved UAMUD project other than the CDA prior to issuance of a building permit for such phase or area. The Planning Board shall issue a Project Development Review (PDR) Approval for a phase of the UAMUD project if it finds that the following criteria have been met with respect to the project or the phase thereof for which a building permit is being sought:

- (a) Conformance. The project or applicable phase thereof materially conforms to the approved Master Development Plan submittals submitted pursuant to Section 9.8.3, as the same may be modified pursuant to this Bylaw.
- (b) Impact. (i) Any previously-developed portion of the UAMUD project has not resulted in material adverse impacts that have caused a condition that does not comply with applicable regulatory requirements or, in the opinion of the Planning Board, is substantially detrimental to the public health or safety or the environment; (ii) the project or applicable phase thereof does not pose new material adverse impacts or materially exacerbate existing adverse impacts to any adjacent property or the proximate neighborhood that have not already been addressed through mitigation required by the Development Agreement, as the same may be amended from time to time, or a prior PDR Approval; and (iii) the project component for which PDR Approval is sought results in net fiscal benefits to the Town and the proponent has adequately mitigated any adverse fiscal impacts.
- (c) Design. The project or applicable phase thereof complies with the standards and requirements set forth in this Section 9.8, including but not limited to the performance and design standards set forth in Section 9.8.11.

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The findings required under paragraphs (b) and (c) above may be satisfied through the Planning Board's imposition of mitigation measures and other requirements pursuant to Section 9.8.12.2.5 that, if satisfied, will cause the project or applicable phase thereof to conform to these criteria.

A PDR Approval shall be conclusive evidence of the Planning Board's findings under this section.

- 9.8.12.2.3. **Submittal Requirements.** An application for a Conformance Determination or PDR Approval 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 adopted pursuant to Section 9.8.12.6 of this Zoning Bylaw (the "Rules and Regulations").
- 9.8.12.2.4. **Review Procedure.** The Planning Board's review and consideration of an application for a CDA Conformance Determination or PDR Approval shall be in accordance with the Rules and Regulations.
- 9.8.12.2.5. **Supplemental Development Standards and Mitigation.** In issuing a PDR Approval, the Planning Board may include, as part of its written report, mitigation measures, supplemental development standards, requirements, safeguards, limitations, and specifications that address specific components of the approved development, such as lighting, signage, and landscaping. The Planning Board may include requirements for post-approval monitoring of certain development impacts, as well as performance guarantees, self-reporting commitments, and other measures to ensure compliance with the approved plans and submittals.
- 9.8.12.2.6. **Waivers.** In connection with a PDR Approval, the Planning Board, in its discretion, may waive the dimensional requirements of Section 9.8.7, except for height and FAR, if it determines that (i) the waiver will substantially improve the UAMUD project; (ii) the project or applicable phase thereof satisfies the performance and design standards set forth in this Section 9.8; and (iii) the granting of a waiver will not nullify or substantially derogate from the intent or purpose of this Section 9.8. A waiver shall not be granted if it would cause the UAMUD project to become inconsistent with the approved Master

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Development Plan submittals pursuant to Section 9.8.3 of this Bylaw.

9.8.12.2.7. **Denial.** In the event that the Planning Board denies a Conformance Determination, PDR Approval, or waiver, the proponent shall either (i) withdraw the development proposal; (ii) modify its plans to make them consistent with the Planning Board's findings and submit the modified plans to the Planning Board for reconsideration of the Conformance Determination, PDR Approval, or waiver; (iii) seek approval of a modification of the Master Development Plan by the Planning Board pursuant to Section 9.8.12.12 or Section 9.8.12.13, followed by a Conformance Determination for the CDA or a PDR Approval for development outside of the CDA; or (iv) seek, at its option, either (a) a Special Permit for modification of the Master Development Plan pursuant to Section 9.8.12.14 of this Bylaw or (b) approval of a revised Master Development Plan by a majority vote at Town Meeting. Additionally, where a Conformance Determination is denied, the proponent may, at its option, submit additional materials and undergo full Project Development Review in accordance with Section 9.8.12.2.2.

9.8.12.3. **Phased Development.** An approved UAMUD project may be constructed in one or more phases, provided that such phased development complies with the requirements of Section 9.8.12.2.1, with respect to the CDA, or the requirements of Section 9.8.12.2.2 with respect to other phases or areas shown on the approved Master Development Plan. Upon the granting of a Conformance Determination for the CDA or a PDR Approval for any other phase of the approved UAMUD project, such phase shall be deemed to be in compliance with the requirements of this Bylaw at the time such finding is made, notwithstanding the status of any other phase of the development and/or any noncompliance of such other phase with the requirements of this Section 9.8.

9.8.12.4. **Application of Requirements to Individual Lots.** The requirements of Section 9.8 of this Bylaw shall not be applied to the individual lots or ownership units within an approved UAMUD project, but shall be applied as if the entire plan area were a single conforming lot, whether or not the same is in single or multiple ownership. Any violation of this Bylaw by an owner or occupant of a single lot or ownership unit or demised premises within an approved UAMUD project shall not constitute a violation by any other owner or occupant; provided, however, that the foregoing shall not be deemed to affect the Planning Board's right to impose

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conditions on development phases subsequent to the CDA to address adverse project impacts related to any previous phase.

- 9.8.12.5. **Relationship to Underlying Districts and Regulations.** The UAMUD is established as an overlay district superimposed over, rather than replacing, the applicable underlying zoning district(s). Except as otherwise noted in this Section 9.8, the provisions and requirements of other applicable overlay districts, including, without limitation, Section 9.5, Flexible Multiple Use Overlay District (FMUOD), and Section 9.6, Mixed Use Overlay District (MUOD), and any rules and regulations or design standards of the Planning Board, shall not apply to any project developed pursuant to this Section 9.8.

Except as provided elsewhere in this Section 9.8, special permit and similar approvals/criteria otherwise required under this Bylaw shall not be required for a UAMUD development, including, without limitation, any such approvals/criteria required pursuant to: Section 7.1, Earth Material Movement; Section 7.2, Major Business Development (MBD); Section 7.3, Environmental Impact Design Review (EIDR); Section 8.4, Senior Residential Development (SRD); Section 8.5, Residential Retirement Community (RRC); and Section 9.2, Flood Area Overlay District. The requirements of Section 9.3, Water Resource Protection Overlay District, as applied to a UAMUD project are addressed elsewhere in this Section 9.8.

Upon approval of a Master Development Plan, the use regulations of the underlying zoning district(s) shall not apply to the area within the Master Development Plan, but all other regulations of the underlying zoning district(s) shall apply except to the extent that they are inconsistent with, supplemented by, or modified by the provisions of this Section 9.8. In the event of any conflict or inconsistency between the other provisions of this Bylaw and this Section 9.8, the provisions of this Section 9.8 shall prevail.

Development of any or all lots within an approved Master Development Plan may be pursued under other applicable underlying zoning and overlay districts, subject to receipt of approvals, if any, required under such other regulations only if the Planning Board, in its discretion, votes to release the lot or lots from the Master Development Plan.

- 9.8.12.6. **Rules and Regulations.** The Planning Board may adopt rules and regulations for the administration of this section, which shall be limited to defining the application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and

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procedural requirements for any approvals required pursuant to Section 9.8. The Planning Board may also adopt bicycle rack standards required by Section 9.8.8.5.

- 9.8.12.7. **Enforcement.** The Building Commissioner shall have jurisdiction to enforce compliance with the standards and requirements of a Conformance Determination for the CDA and PDR Approval for all other areas and phases of the approved UAMUD project, both before and after construction, and may institute legal proceedings or take such other actions as are necessary to ensure compliance.
- 9.8.12.8. **Issuance of Building Permit.** Following the Planning Board's issuance of a Conformance Determination for the CDA or PDR Approval for all other areas and phases of the approved UAMUD project, the proponent shall submit copies of the Planning Board's Conformance Determination or PDR Approval and accompanying reports to the Building Commissioner, along with other required building permit application materials and fees, and a building permit may thereafter be issued for the approved project, or any individual component thereof, without the need for any further approvals under this Bylaw, except where this Section 9.8 specifically requires further approval. Building permits may be sought and issued for individual components of an approved project, and nothing in this Section 9.8 shall obligate the proponent to construct all of the improvements shown on an approved Master Development Plan, except that all construction associated with public roadways, infrastructure, utilities, and open space shall be substantially complete prior to the issuance of any building permit for a building outside of the CDA unless adequate performance guarantees have been incorporated into the Development Agreement.
- 9.8.12.9. **Issuance of Occupancy Permit.** All construction associated with public roadways, infrastructure, utilities, and open space shall be substantially complete prior to the issuance of any occupancy permit for a building within the CDA unless adequate performance guarantees have been incorporated into the Development Agreement.
- 9.8.12.10. **Transfer of UAMUD Approvals.** UAMUD approval of a project, or any individual portion thereof, may be freely transferred between lots and between owners, provided that the transferee complies with the provisions of this Section 9.8.
- 9.8.12.11. **Post-Construction Development Review.** Following completion of construction of any portion of the UAMUD project, PDR Approval from the Planning Board pursuant to Section 9.8.12.2.2

shall be required for the following within such UAMUD area: (i) construction of any new building not previously approved; (ii) an expansion of an existing building that increases the gross floor area of such building by 3,000 square feet or more or by 10% or more of the existing gross floor area, whichever is less; or (iii) any exterior alteration to an existing building that is deemed by the Planning Board not to constitute a minor modification because it would have the effect of materially changing the overall character of the applicable portion of the UAMUD project.

- 9.8.12.12. **Minor Modifications of the Master Development Plan.** Once a Master Development Plan has been approved at Town Meeting, the Planning Board may, in its discretion, approve a minor modification of the Master Development Plan by a majority vote at a public meeting. For purposes of this subsection, a plan modification is “minor” if the changes proposed, considered in the aggregate with all minor modifications previously approved:
- (a) Are consistent with the requirements and standards set forth in this Section 9.8 and do not have a material adverse effect on the overall design and implementation of the UAMUD project;
  - (b) Do not increase by more than ten percent (10%) the maximum gross floor area limitations for each category of use as noted in the approved Master Development Plan or the size of any individual permissible building area;
  - (c) Do not result in the aggregate floor area ratio of all lots on the approved Master Development Plan exceeding 1.0;
  - (d) Do not increase the land area included within the Master Development Plan by more than ten percent (10%);
  - (e) Do not adversely affect the storm water quality of the development;
  - (f) Do not increase projected vehicle trips by more than five percent (5%), unless it is demonstrated that such increase (i) for any intersection in the vicinity of the development that operates at LOS D or better would not result in a reduction of overall intersection level of service below LOS D and (ii) would not otherwise cause vehicular traffic to operate in an objectively unsafe manner, or cause queue lengths that block intersections, unless any such impacts are addressed with adequate traffic mitigation, as certified by the proponent’s Registered Traffic Engineer and approved by the Planning Board; and

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- (g) Do not include any residential dwelling units in excess of the limits established by this Section 9.8.

Minor adjustments in the location and configuration of the buildings, parking areas, and other site features within an approved development area, shall not require further Planning Board approval, as long as such adjustments are considered de minimis by the Building Commissioner, do not exceed individual gross floor area requirements, and would not have the effect of changing the overall character of the applicable portion of the UAMUD project.

- 9.8.12.13. **Permitted Modifications to Retail and Office Uses.** In addition to minor modifications pursuant to Section 9.8.12.12, the Planning Board may, in its discretion, approve modification of the Master Development Plan by a majority vote at a public meeting if the modification meets one of the following criteria:

- (a) An increase in Office/R&D Uses to a maximum of 550,000 square feet and/or increase in Retail/Service and Restaurant/Entertainment Uses to a maximum of 900,000 square feet, provided that (i) the increase does not trigger any of the thresholds in Section 9.8.12.12, with the exception of the limits set forth in Sections 9.8.12.12(b) and (d), which may be exceeded with the approval of the Planning Board; and (ii) any traffic and parking impacts attributable to any such increase(s) are mitigated to the satisfaction of the Planning Board.
- (b) Substitution of Office/R&D Uses for any other uses outside of the CDA, except Open Space Uses, provided that (i) the substitution does not trigger any of the thresholds in Section 9.8.12.12, with the exception of the limits set forth in Sections 9.8.12.12(b) and (d), which may be exceeded with the approval of the Planning Board; and (ii) any traffic and parking impacts attributable to any such increase(s) are mitigated to the satisfaction of the Planning Board.

- 9.8.12.14. **Master Development Plan Special Permit.** In the event that the Planning Board determined that a proposed change in the Master Development Plan does not meet the requirements for approval pursuant to Section 9.8.12.12 or Section 9.8.12.13, or in the event that the Planning Board exercised its discretion not to approve a proposed modification pursuant to those sections, then the proponent shall have the option of seeking either (A) an amendment of the Master Development Plan at Town Meeting, or (B) a special permit for modification of the Master Development Plan pursuant to Section 10.3 of this Bylaw authorizing the final

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development plans to be implemented as proposed. The Planning Board shall be the special permit granting authority for any such special permit.

9.8.12.15. **Lapse.** A Master Development Plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the date of approval by Town Meeting. The Planning Board may extend such approval, for good cause, upon the written request of the proponent. Substantial use, including, without limitation, the filing of a building permit application for construction, of any portion of the approved Master Development Plan shall permanently vest the Master Development Plan and it shall not thereafter lapse for any reason.

- (ii) To amend Section 2.0 [Definitions] to remove all subsection numbers, and to add the following new definitions to the list of previously included definitions, in the appropriate alphabetical order: Commercial Parking Garage; Cultural Facility; Data Storage Facility; Educational Use, Exempt; Fast Order Restaurant; Fitness or Health Club; General Office; Medical Center or Clinic; Memory Care Facility; Office of Health Care Professional; Shuttle Service.

Commercial Parking Garage A structure or portion of a structure that provides for parking within, below, or on top of the structure which is open to the general public and is not accessory to a particular commercial or industrial establishment.

Cultural Facility Any building or structure used for programs or activities involving the arts, humanities, and/or sciences or other endeavors that encourage refinement or development of the mind through observation and interaction, including art galleries or museums, but excluding movie theaters and venues for the performing arts such as music venues or stage theaters.

Data Storage Facility A building that houses computing and communications systems and hardware that provide off-site records and media storage, backup services, and data retrieval, delivery, and destruction services.

Educational Use, Exempt Use of land or structures for educational purpose 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

Fast Order Restaurant A Restaurant that serves Fast Order Food, excluding Fast Order Food Establishments that have Drive-Through Service or that customarily have Drive-Through Service even if such Drive-Through Service would not be provided at the location in question.

# Special Town Meeting *Minutes*

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Fitness or Health Club A use providing exercise equipment and athletic and recreational facilities for use by patrons, including individualized personal training, sports fields, playing courts, climbing walls, and group exercise classes based on aerobics, cycling (spin cycle), boxing, yoga, pilates, weightlifting, muscle training, and similar activities. A Fitness or Health Club may include a sauna, steam shower, spa services, wellness areas, swimming pool, accessory health-shops, snack bars, child-care facilities, and member lounges and cafes. Outdoor exercise facilities and activities may be included provided that they are accessory to the indoor uses. The inclusion of accessory retail uses shall not cause a Fitness or Health Club to be considered a retail use.

General Office A building in which one or more establishments conducts business, clerical, or professional activities on a regular basis and which does not come within the definitions of Business, Services Establishment, General Services Establishment, and Professional Services Establishment.

Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients that does not include substance rehabilitation or overnight care facilities

Memory Care Facility A facility that provides housing and specialized care for residents needing memory care for dementia, Alzheimer's or other cognitive impairments.

Office of Health Care Professional An office for a medical doctor, dentist, psychologist, chiropractor, acupuncturist, or similar physical or mental health care professional, including clinical and laboratory analysis activities directly associated with such medical office use, but excluding offices within Medical Centers or Clinics.

Shuttle Service The operation of buses or similar motor vehicles designed for the transport of groups of people, together with a covered garage for parking shuttle vehicles and shelters at shuttle stops.

- (iii) To amend the Zoning Map to include a new UAMUD overlay district, the boundaries of which are shown on the plan entitled, "University Avenue Mixed Use Overlay District," prepared by Tetra Tech, as most recently filed with the Town Clerk; and

*(As described in Section 9.8.2 above)*

- (iv) To approve the Master Development Plan, entitled, "University Station – University Avenue Redevelopment, Master Development Plan," prepared by Tetra Tech, as most recently filed with the Town Clerk, for the UAMUD project area.

## Special Town Meeting *Minutes*

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***Special Town Meeting, Article 2.*** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator 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, the ways shown as University Avenue, Harvard Street, Rosemont Road, and Nstar Way on the layout plans prepared by Tetra Tech, as most recently filed with the Town Clerk (the “Layout Plans”), and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.
- (B) To authorize the Board of Selectmen to accept right of way easements for public travel and infrastructure facilities over any land necessary within the area shown on the plan entitled, “University Avenue Mixed Use Overlay District,” prepared by Tetra Tech to serve, for any length of time, as rights of way until completion of applicable portions of infrastructure and roadway realignment, and to amend, terminate or release all or any aspect of any such easements as may currently exist.
- (C) To authorize the Board of Selectmen to discontinue a portion of Westwood Station Boulevard as shown on the Layout Plans, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said discontinuance.
- (D) To authorize the Board of Selectmen to acquire, at no expense to the Town, by purchase, gift, eminent domain or otherwise, and thereafter to abandon or dispose of any private interests in land within the bounds of the following town ways (as now existing or previously discontinued): University Avenue, Rosemont Road, Marymount Avenue, NStar Way and Harvard Street, and related private slope easements and rights pertaining to said town ways substantially as shown on the Layout Plans, on terms acceptable to the Board of Selectmen, said abandonment or disposal being for no consideration, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.
- (E) To authorize the Board of Selectmen to acquire, at no expense to the Town, by purchase, gift, eminent domain or otherwise, and thereafter to abandon, dispose of or relocate, certain easements, rights and interests in land related to rights of way, utilities, signs, drainage, sewer and slopes shown on the Layout Plans, so as to conform to the new roadway layout and infrastructure design approved in connection with the Project, said abandonment, disposal, or relocation being for no consideration, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.
- (F) To authorize the Board of Selectmen to discontinue, abandon and/or relocate, at no expense to the Town and for no consideration, those certain roadway, sidewalk, landscape, signage, drainage, sewer and infrastructure easements and rights held by the Town depicted on the Layout Plans, and to acquire, at no expense to the Town, by purchase, gift, eminent domain or otherwise, certain land and easements, rights and interests in land, on terms acceptable to the Board of Selectmen, related to mitigation of project impacts and new sewer, drainage and

## Special Town Meeting *Minutes*

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other municipal infrastructure so as to conform to the new roadway and intersection layouts and infrastructure design approved in connection with the Project, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.

- (G) To authorize the Board of Selectmen to grant, release, amend, and/or accept, on behalf of the Town, such rights of access, easements, restrictive covenants, and other interests as may be required in connection with the Project, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.

***Special Town Meeting, Article 3.*** The Finance and Warrant Commission recommended and the Town voted by a Majority vote in favor declared by the Moderator to authorize the Board of Selectmen to negotiate and execute a “development agreement” related to development of the so-called University Station project (the “Project”), and to negotiate and execute such other agreements with the proponents of the Project as may be deemed necessary or appropriate by the Board of Selectmen.

***Special Town Meeting, Article 4.*** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to amend Section 321-1 of the General Bylaws of the Town of Westwood by adding the following sentence at the end of said Section 321-1:

Notwithstanding the foregoing, nothing contained within this Chapter 321 shall be deemed to prohibit or limit a retail business from conducting interior activities that are accessory to the operation of the retail business, such as cleaning, stocking, food preparation and other supporting operations between the hours of 12:00 midnight and 6:00 am, provided that (i) truck deliveries shall not occur during the hours of 12:00 midnight to 4:00 am; (ii) during the hours of 4:00 am to 6:00 am truck deliveries shall be made solely to sealed loading docks, with no exterior loading or unloading permitted; and (iii) waste removal shall in all events not occur between 12:00 midnight and 6:00 am.

***Special Town Meeting, Article 5.*** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to amend Section 179-1 of the General Bylaws of the Town of Westwood by inserting a new subsection 179-1(C), as follows:

(C) Notwithstanding any general, zoning, or other bylaw, rule or regulation to the contrary, the provisions of this Chapter 179 shall not apply to the service or consumption of alcohol within any Licensed Premises, inclusive of outdoor seating areas, that are located within the University Avenue Mixed Use District, and subject to an approved Master Development Plan under Section 9.8 of the Westwood Zoning Bylaw.

***Special Town Meeting, Article 6.*** The Finance and Warrant Commission recommended and the Town voted by a Majority vote in favor declared by the Moderator to authorize the Board of Selectmen to approve an amendment and restatement of that certain Tax Increment Financing Agreement dated May 25, 2007, which was approved by the Massachusetts Economic Assistance Coordinating Council approval of the “Certified Project,” in connection with the so-called University Station project, on terms acceptable to the Board of Selectmen.

***Special Town Meeting, Article 7.*** The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to take the following actions, in connection with a new or amended and restated Economic Development Proposal to be submitted by the Board of Selectmen and the proponents of the so-called University Station project (the “Project”) in accordance

## Special Town Meeting *Minutes*

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with Sections 5 through 12 of Chapter 293 of the Acts of 2006 (as amended) (“I-Cubed”), to obtain funding for infrastructure improvements that are necessary in connection with the Project:

- (i) To approve a new or amended and restated Economic Development Proposal (the “Proposal”) consisting of roadway, utility, and other public infrastructure improvements required in connection with the construction of the Project;
- (ii) To authorize the Board of Selectmen to approve and the Board of Selectmen and the Town Treasurer to enter into such agreements with the developer of the Project (the “Developer”), the Commonwealth, and the Massachusetts Development Finance Agency as are necessary to implement the Proposal as the Board of Selectmen, following consultation with the Westwood Finance Commission, determine to be in the best interests of the Town;
- (iii) To acknowledge the financial obligations that the Town would be assuming in connection with the I-Cubed funding, as set forth in the Economic Development Proposal, which obligations shall not exceed \$10,000,000;
- (iv) To establish a Municipal Liquidity Reserve (as defined in I-Cubed) to hold funds received by the Town from the Developer to secure reimbursement to the Commonwealth of Massachusetts for debt service paid by the Commonwealth on bonds to be issued by the Massachusetts Development Finance Agency to provide funds for the Proposal; and
- (v) To approve the acquisition or acceptance of any property interest in the public infrastructure improvements associated with the Project to be conveyed upon completion of such improvements.

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 10:01 p.m.

Attest:



Dorothy A. Powers, CMC, CMMC  
Westwood Town Clerk

# Annual Town Meeting *Minutes*

Monday, May 6, 2013  
 Westwood High School Gymnasium  
 Annual Town Meeting began following the adjournment of the Special Town Meeting



## WESTWOOD RECORDS ANNUAL TOWN MEETING MAY 6, 2013

Pursuant to a warrant dated April 1, 2013, signed by Selectmen, Patrick J. Ahearn, Nancy C. Hyde and Philip N. Shapiro, the inhabitants of Westwood qualified to vote in Elections and Town affairs, convened in the Westwood High School Gymnasium on Monday, May 6, 2013 for the Annual Town Meeting which began following the adjournment of the Special Town Meeting.

Moderator, Anthony J. Antonellis who declared the presence of a quorum from the previous, Special Town Meeting, called the Annual Town Meeting to order at 10:01 p.m. The return on warrant was read and the Town voted unanimously on the Selectmen's move to dispense the reading of the articles and full warrant.

### ARTICLE 1

The Finance and Warrant Commission recommended and the town voted unanimously in favor to appropriate by transfer from available funds the sum of Eight Hundred Ninety Three Thousand Nine Hundred Fifty Dollars (\$893,950) to supplement the following fiscal year 2013 appropriations.

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$212,950	Ambulance Equipment	\$68,500
Youth Expense	\$2,000	Ambulance Rescue Equipment	\$63,450
Bond Premium	\$208,000	Fire Salary	\$121,000
Debt & Interest	\$309,000	Youth Salary	\$16,000
Comprehensive Insurance	\$50,000	High School Litigation	\$440,000
Reserve Account	\$112,000	Snow and Ice	\$185,000
<b>Total</b>	<b>\$893,950</b>	<b>Total</b>	<b>\$893,950</b>

### ARTICLE 2

The Finance and Warrant Commission recommended and the town voted unanimously in favor to appropriate by transfer from available funds the sum of Two Hundred Thirty-Six Thousand Four Hundred Fifty-Six Dollars (\$236,456) to supplement the following fiscal year 2013 appropriations.

Transfer			
From Account	Amount	To Account	Amount
Overlay Surplus (FY13 additional state aid)	\$236,456	School Operating Budget	\$191,839
		Municipal Salary Accounts:	
		Finance & Warrant Commission	\$11,200
		Accounting	\$7,000
		Board of Health	\$1,600
		Youth	\$20,817
		Recreation	\$4,000
<b>Total</b>	<b>\$236,456</b>	<b>Total</b>	<b>\$236,456</b>

# Annual Town Meeting *Minutes*

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## ARTICLE 3

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of Ninety-Two Thousand Two Hundred Thirty-One Dollars (\$92,231) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20.

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$92,231	FY13 Retirement Drug Subsidy

## ARTICLE 4

The Finance and Warrant Commission recommended and the town voted unanimously in favor to transfer from available funds the sum of Five Hundred Thousand Dollars (\$500,000) to the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Purpose	Amount	Funding Source
Stabilization Fund	\$500,000	Free Cash

## ARTICLE 5

The Finance and Warrant Commission recommended and the town voted unanimously in favor to rescind the \$210,000 balance of the \$450,000 authorized by vote of the Town under Article 11 of the Warrant at the May 2, 2011 Town Meeting to install the Brook Street Culvert Flood Prevention Project, which amount is no longer needed to pay costs of completing the project for which it was approved.

## ARTICLE 6

There being no unpaid bills of the previous year, no action was taken on this article.

## ARTICLE 7

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds and/or borrow 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 in Appendix D of the Finance Commission's Report to the 2013 Annual Town Meeting.

Appendix D is as follows:

# Annual Town Meeting *Minutes*

Appendix D  
FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
<b>Selectmen Department</b>						
1. Salaries	418,867	426,856	421,069	(5,847)	-1.4%	Taxation
2. Expenses	45,135	47,300	47,500	200	0.4%	Taxation
	464,002	474,156	468,509	(5,647)	-1.2%	
<b>Finance Commission</b>						
3. Salary	39,682	39,289	39,308	19	0.0%	Taxation
4. Expenses	21,172	21,763	21,763	0	0.0%	Taxation
	60,854	61,052	61,071	19	0.0%	
<b>Accounting Department</b>						
5. Salaries	182,554	193,942	198,689	4,747	2.4%	Taxation
6. Expenses	4,275	5,300	5,500	200	3.8%	Taxation
	186,829	199,242	204,189	4,947	2.5%	
<b>Audit - School &amp; Municipal Financials</b>						
7. Expenses	45,505	57,750	57,750	0	0.0%	Taxation
<b>Assessors Department</b>						
8. Salaries	175,898	181,080	184,155	3,076	1.7%	Taxation
9. Expenses	19,199	17,200	17,200	0	0.0%	Taxation
	195,098	198,280	201,355	3,076	1.6%	
<b>Treasurer's Department</b>						
10. Salary	89,783	95,454	97,797	2,343	2.5%	Taxation
11. Expenses	7,559	12,050	12,250	200	1.7%	Taxation
	97,342	107,504	110,047	2,543	2.4%	
<b>Collector's Department</b>						
12. Salaries	103,728	105,749	107,349	1,600	1.5%	Taxation
13. Expenses	71,591	73,850	74,900	1,050	1.4%	532,500 Annu. Receipts/Taxation
	173,320	179,599	182,249	2,650	1.5%	
<b>Legal Department</b>						
14. Salary	89,219	91,088	91,113	25	0.0%	Taxation
15. Expenses	102,703	103,500	103,500	0	0.0%	Taxation
	191,922	194,588	194,613	25	0.0%	
<b>Personnel Board</b>						
16. Salary	154,537	161,813	165,693	3,880	2.4%	Taxation
17. Expenses	6,340	10,500	8,400	(2,100)	-20.0%	Taxation
	160,877	172,313	174,093	1,780	1.0%	
<b>Information Systems Department</b>						
18. Salaries	215,623	245,851	251,701	7,850	3.2%	Taxation
19. Expenses	215,794	225,500	243,500	18,000	8.0%	Taxation
	431,417	469,351	495,201	25,850	5.5%	

# Annual Town Meeting *Minutes*

Appendix D  
 . FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
Town Clerk Department						
20. Salaries	136,865	136,325	139,085	2,760	2.0%	Taxation
21. Expenses	31,810	55,200	55,500	300	0.5%	Taxation
	168,675	191,525	194,585	3,060	1.6%	
Conservation Commission						
22. Salary	42,079	44,099	45,223	1,124	2.5%	\$17,000 Conserv./Receipts/
23. Expenses	3,435	7,600	7,600	0	0.0%	Taxation
	45,514	51,699	52,823	1,124	2.2%	
Planning Board						
24. Salaries	95,920	106,120	107,264	1,144	1.1%	Taxation
25. Expenses	1,211	3,050	3,050	0	0.0%	Taxation
	97,131	109,170	110,314	1,144	1.0%	
Westwood Station/Land Use						
		\$0	\$0	0		
Zoning Board of Appeals						
26. Salaries	25,364	26,411	26,961	550	2.1%	Taxation
27. Expenses	573	1,867	1,867	0	0.0%	Taxation
	25,937	28,278	28,828	550	1.9%	
Economic Development Task Force						
28. Salaries	101,598	107,767	105,849	(1,918)	-1.8%	Taxation
29. Expenses	159	1,150	2,000	850	73.9%	Taxation
	101,758	108,917	107,849	(1,068)	-1.0%	
Outside Professional Services						
30. Expenses	35,643	38,000	40,050	2,000	5.3%	Taxation
MA Housing Partnership/Housing Authority						
31. Salary		24,000	23,400	(600)	-2.5%	Taxation
32. Expenses	23,921	1,000	1,000	0		Taxation
		25,000	24,400			
Communications Systems						
33. Expenses	120,980	125,000	130,000	5,000	4.0%	Taxation
Training/Professional Development						
34. Expenses	2,954	6,750	6,750	0	0.0%	Taxation
<b>Total General Government</b>	<b>2,629,677</b>	<b>2,738,174</b>	<b>2,844,627</b>	<b>46,453</b>	<b>1.7%</b>	

# Annual Town Meeting Minutes

Appendix D  
FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
Police Department						
35. Salaries	2,770,038	2,850,166	2,855,372	5,206	0.2%	Taxation
36. Expenses	211,018	218,900	222,215	3,515	1.5%	Taxation
	2,981,056	3,069,066	3,077,587	8,521	0.3%	
Auxiliary Police/Civil Defense						
37. Expenses	0	2,000	2,000	0	0.0%	Taxation
	0	2,000	2,000	0	0.0%	
Animal Control						
38. Salary	43,934	46,453	47,638	1,185	2.6%	Taxation
39. Expenses	5,603	7,500	7,750	250	3.3%	Taxation
	49,537	53,953	55,388	1,435	2.7%	
Fire Department						
40. Salaries	2,637,020	2,569,031	2,862,486	293,455	11.4%	\$484,000 Amb.Receipts/Taxation
41. Expenses	174,906	178,445	186,075	7,630	4.3%	\$40,000 Amb.Receipts/Taxation
	2,811,927	2,747,476	3,048,561	301,085	11.0%	
Building Inspection Department						
42. Salaries	244,009	263,809	269,904	6,095	2.3%	Taxation
43. Expenses	22,810	33,025	34,625	1,600	3.0%	Taxation
	266,819	296,834	303,929	7,095	2.4%	
<b>Total Public Safety</b>	<b>6,109,338</b>	<b>6,169,329</b>	<b>6,487,465</b>	<b>318,136</b>	<b>5.2%</b>	
Department of Public Works						
44. Salaries - admin	178,813	206,010	200,749	(5,261)	-2.6%	Taxation
45. Salaries - operations	1,288,471	1,331,723	1,324,052	(7,671)	-0.6%	\$1,000 Perp Care/Taxation
46. Expenses	455,461	463,100	462,100	(1,000)	-0.2%	Taxation
	1,902,745	2,000,833	1,986,901	(13,932)	-0.7%	
Building Maintenance						
47. Salaries			0	0		
48. Expenses	564,855	628,460	645,650	17,190	2.7%	Taxation
		628,460	645,650	17,190	2.7%	
Municipal & School						
49. Field Maintenance	110,686	114,000	114,000	0	0.0%	Taxation
50. Snow & Ice	207,952	250,000	250,000	0	0.0%	Taxation
51. Street Lighting/ Traffic Light Maint	104,423	140,000	140,000	0	0.0%	Taxation
Waste Collection/Disposal						
52. Expenses	1,174,390	1,155,000	1,180,000	25,000	2.2%	Taxation
<b>Total Public Works</b>	<b>4,065,061</b>	<b>4,288,293</b>	<b>4,316,551</b>	<b>28,258</b>	<b>0.7%</b>	

# Annual Town Meeting *Minutes*

Appendix D  
FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
<b>Health Department</b>						
53. Salaries	199,404	206,753	209,687	2,934	1.4%	Taxation
54. Expenses	8,615	8,723	8,973	250	2.9%	Taxation
	<u>208,019</u>	<u>215,476</u>	<u>218,660</u>	<u>3,184</u>	<u>1.5%</u>	
55. Outside Health Agencies	13,006	14,316	13,416	(900)	-6.3%	Taxation
56. Disability Commission Expenses	0	500	500	0	0.0%	Taxation
<b>Council On Aging</b>						
57. Salaries	222,452	223,822	230,189	6,367	2.8%	Taxation
58. Expenses	25,037	25,285	25,285	0	0.0%	Taxation
	<u>247,489</u>	<u>249,107</u>	<u>255,474</u>	<u>6,367</u>	<u>2.6%</u>	
<b>Youth and Family Services Commission</b>						
59. Salaries	166,237	169,292	180,933	12,641	7.5%	Taxation
60. Expenses	14,255	14,567	15,000	433	3.0%	Taxation
	<u>180,492</u>	<u>183,859</u>	<u>195,933</u>	<u>13,074</u>	<u>7.1%</u>	
<b>Veterans Services Department</b>						
61. Salaries	26,590	27,738	28,349	611	2.2%	Taxation
62. Expenses	81,560	88,800	88,800	0	0.0%	Taxation
	<u>108,149</u>	<u>116,538</u>	<u>117,149</u>	<u>611</u>	<u>0.5%</u>	
<b>Total Human Services</b>	<b>757,155</b>	<b>778,796</b>	<b>801,132</b>	<b>22,336</b>	<b>2.9%</b>	
<b>Public Library</b>						
63. Salaries	771,258	823,797	833,756	9,959	1.2%	Taxation
64. Expenses	204,418	218,500	229,036	10,536	4.8%	Taxation
65. Lost Books	1,399	1,500	1,500	0	0.0%	Taxation
	<u>977,075</u>	<u>1,043,797</u>	<u>1,064,292</u>	<u>20,495</u>	<u>2.0%</u>	
<b>Recreation Department</b>						
66. Salaries	245,254	256,126	267,235	11,109	4.3%	Taxation
67. Expenses	37,584	37,654	38,784	1,130	3.0%	Taxation
	<u>282,838</u>	<u>293,780</u>	<u>306,019</u>	<u>12,259</u>	<u>4.2%</u>	
68. Expenses	6,576	10,350	10,675	325	3.1%	Taxation
<b>Total Culture and Recreation</b>	<b>1,266,489</b>	<b>1,347,927</b>	<b>1,380,986</b>	<b>33,059</b>	<b>2.5%</b>	
<b>Other</b>						
69. Operating Equipment & Projects	42,468	42,534	42,534	0	0.0%	Taxation
70. Contract Reserve/Other		44,617	257,000	212,383		Taxation
* This contract reserve budget may be transferred to the respective budgets upon vote by the Board of Selectmen.						
<b>Total Other</b>	<b>42,468</b>	<b>87,151</b>	<b>299,534</b>	<b>212,383</b>	<b>243.7%</b>	
<b>Total Municipal Budget</b>	<b>14,870,183</b>	<b>15,469,670</b>	<b>16,130,295</b>	<b>660,625</b>	<b>4.3%</b>	

# Annual Town Meeting Minutes

Appendix D  
FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
<b>Fixed Costs Budgets - School and Municipal</b>						
<b>Municipal Employee Benefits/Costs</b>						
Retirement Assessment	1,834,477	1,925,532	2,007,210	81,678	4.2%	Taxation
Non-Contrib Pension	58,074	61,613	33,000	(28,613)	-46.4%	Taxation
Worker's Compensation	61,354	65,827	65,827	0	0.0%	Taxation
Unemployment Compensation	13,975	13,200	13,860	660	5.0%	Taxation
Health Insurance	1,260,443	1,240,418	1,271,056	30,638	2.5%	Taxation
Life Insurance	3,388	4,725	5,000	275	5.8%	Taxation
Pre-Hire/Payroll	67,380	86,500	86,500	0	0.0%	Taxation
Public Safety/Medical/111F Ins	29,287	77,000	77,000	0	0.0%	Taxation
Medicare Part B	55,700	63,700	53,410	(9,690)	-15.4%	Taxation
Social Security Tax	11,084	12,000	11,000	(1,000)	-8.3%	Taxation
Medicare Payroll Tax	145,759	165,375	173,693	8,318	5.0%	Taxation
OFEB	11,000	15,000	44,000	29,000	193.3%	Taxation
<b>Municipal Employee Benefits/Costs</b>	<b>3,551,921</b>	<b>3,730,290</b>	<b>3,841,566</b>	<b>111,266</b>	<b>3.0%</b>	
<b>School Employee Benefits/Costs</b>						
Retirement Assessments	785,259	\$23,714	\$58,310	34,596	4.2%	Taxation
Worker's Compensation	116,984	139,779	139,779	0	0.0%	Taxation
Unemployment Compensation	65,897	93,500	98,125	4,625	5.0%	Taxation
Health Insurance	3,229,199	3,757,561	3,850,379	92,818	2.5%	Taxation
Life Insurance	4,601	8,400	9,000	600	7.1%	Taxation
Payroll service	17,548	19,000	19,000	0	0.0%	Taxation
Medicare Part B	115,575	142,800	134,000	(8,800)	-6.2%	Taxation
Social Security Tax	9,478	12,000	11,000	(1,000)	-8.3%	Taxation
Medicare Payroll Tax	391,875	420,657	441,689	21,032	5.0%	Taxation
OFEB	15,000	23,000	24,000	1,000	4.3%	Taxation
<b>School Employee Benefits/Costs</b>	<b>4,781,416</b>	<b>5,440,411</b>	<b>5,585,332</b>	<b>144,921</b>	<b>2.7%</b>	
<b>71. Total Benefits/Costs</b>	<b>8,303,337</b>	<b>9,170,701</b>	<b>9,426,888</b>	<b>256,187</b>	<b>2.8%</b>	
<b>Insurance/Reserves</b>						
<b>Comprehensive And Liability Insurance - School &amp; Municipal</b>						
72. Expenses	291,839	402,000	402,000	0	0.0%	Taxation
73. Energy/Utility Reserve Fund*	0	225,000	225,000	0	0.0%	Taxation
74. Special Town Mtg/Charter Review	2,017	25,000	25,000	0	0.0%	Taxation
75. Reserve Fund	0	400,000	400,000	0	0.0%	Taxation
<b>Total Ins./Reserve</b>	<b>293,856</b>	<b>1,052,000</b>	<b>1,052,000</b>	<b>0</b>	<b>0.0%</b>	
<b>Total Fixed Costs Budget</b>	<b>\$,597,193</b>	<b>10,222,701</b>	<b>10,478,888</b>	<b>256,187</b>	<b>2.5%</b>	
Reserve Accounts - Actual expenditures are shown in the budgets to which transfers were made.						
* This energy reserve budget may be transferred to the respective budgets upon vote by the Board of Selectmen.						
<b>Debt Service Budget</b>						
<b>Municipal Related Debt Service</b>						
Municipal Related Debt Service	1,481,147	1,680,465	1,976,375	295,910	17.6%	\$20,378 Bond Premium/Taxation
<b>School Related Debt Service</b>						
School Related Debt Service	5,031,761	3,699,353	3,149,963	(549,390)	-14.9%	\$1,401,276 sch bld reimb/\$22,750 Bond Premium/Taxation
<b>76. Total Debt Budget</b>	<b>6,512,908</b>	<b>5,379,818</b>	<b>5,126,338</b>	<b>(253,480)</b>	<b>-4.7%</b>	

FY14 Debt Change  
 Non Exempt (5141,924)  
 Exempt (5111,556)  
 Total (5253,480)

# Annual Town Meeting Minutes

Appendix D  
FY2014 Departmental Salary/Expense Budgets

Description	Expended FY2012	Current FY2013 Budget	Proposed FY2014 Budget	\$ Change FY14 vs FY13 vs	% Change FY14 vs FY13	Funding Source
<b>Westwood Public Schools</b>						
Salaries		28,959,854	30,101,748	1,141,904	3.9%	Taxation
Expenses		6,069,790	6,082,043	(7,747)	-0.1%	Taxation
77. School salaries & exps	33,824,413	35,029,644	36,163,801	1,134,157	3.2%	
78. Blue Hills Regional School	151,228	49,358	101,646	52,288	105.9%	Taxation
<b>Crossing Guards</b>						
79. Salaries	89,791	102,280	107,064	4,784	4.7%	Taxation
80. Expenses	4,547	4,500	4,950	0	0.0%	Taxation
Total	94,338	107,180	111,964	4,784	4.5%	
<b>Total School Budgets</b>	<b>34,069,984</b>	<b>35,186,182</b>	<b>36,377,411</b>	<b>1,191,229</b>	<b>3.4%</b>	
<b>Sewer Enterprise</b>						
81. Salaries	339,189	372,032	372,642	610	0.2%	Sewer Enterprise Funds
82. Expenses	91,989	129,000	151,000	2,000	1.6%	Sewer Enterprise Funds
83. Pumping Stations	121,769	146,000	147,500	1,500	1.0%	Sewer Enterprise Funds
84. M/WRA Assessment	2,268,632	2,327,616	2,372,510	44,894	1.9%	Sewer Enterprise Funds
85. Mandated Inspections	21,129	120,000	120,000	0	0.0%	Sewer Enterprise Funds
86. Sewer Debt & Int	294,450	184,256	186,825	2,569	1.4%	Sewer Enterprise Funds
87. System Ext./Repairs	0	25,000	25,000	0	0.0%	Sewer Enterprise Funds
<b>Total Sewer Enterprise**</b>	<b>3,137,178</b>	<b>3,303,904</b>	<b>3,355,477</b>	<b>51,573</b>	<b>1.6%</b>	Note: Sewer revenue will be operating budget + \$290,978 for indirect costs - total \$3,646,455
<b>Total Operating Budget</b>	<b>67,187,450</b>	<b>69,562,275</b>	<b>71,468,409</b>	<b>1,906,134</b>	<b>2.7%</b>	

# Annual Town Meeting *Minutes*

## ARTICLE 8

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5.

Purpose	Amount	Funding Source
Stabilization Fund	\$100,000	Taxation

## ARTICLE 9

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of Four Hundred and Thirty Five Thousand Dollars (\$435,000) to the OPEB Liability Trust Fund established in accordance with General Laws Chapter 32B, Section 20.

Purpose	Amount	Funding Source
OPEB Liability Trust Fund	\$435,000	Taxation

## ARTICLE 10

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of Four Hundred Seventeen Thousand Dollars (\$417,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
Municipal building maintenance	DPW	\$50,000	Free Cash
Municipal buildings - energy efficiency upgrades	DPW	\$10,000	Free Cash
Fire Station 1 renovations	Fire	\$100,000	\$61,500 Taxation/ \$38,500 Free Cash
Fire alarm truck	Fire	\$35,000	Free Cash
End user technology	Information Technology	\$50,000	Free Cash
Replacement of police vehicles	Police	\$132,000	Free Cash
Police speed trailers	Police	\$40,000	Free Cash
<b>Total</b>		<b>\$417,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and 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 any of the above purchases.

## ARTICLE 11

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of Four Hundred Six Thousand Dollars (\$406,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

Equipment/Project	Requesting Department	Cost	Funding Source
Technology	School	\$242,000	\$61,500 Taxation/ \$180,500 Free Cash
HVAC	School	\$41,000	Free Cash
Repairs and maintenance	School	\$93,000	Free Cash
Copiers	School	\$30,000	Free Cash

# Annual Town Meeting *Minutes*

<b>Total</b>	<b>\$406,000</b>
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each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and 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 any of the above purchases.

## ARTICLE 12

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of Three Hundred Sixty-Five Thousand Dollars (\$365,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Pool family/handicapped accessible changing area	Recreation	\$125,000	\$25,000 Taxation/ \$100,000 Free Cash
Cemetery expansion - design	DPW	\$70,000	Cemetery Lot Sales
Fire ladder truck (\$750,000 total)	Fire	\$170,000	2010 ATM, Article 2 Fire Capital
<b>Total</b>		<b>\$365,000</b>	

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and 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 any of the above purchases. .

## ARTICLE 13

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Generators	Sewer	\$100,000	Sewer Retained Earnings

each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and 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 any of the above purchases.

## ARTICLE 14

The Finance and Warrant Commission recommended and the town voted unanimously in favor to raise and appropriate and/or transfer from available funds, and/or borrow the sum of One Million, Five Hundred and Seventy Thousand dollars (\$1,570,000) for the Sewer Infiltration and Inflow Reduction Project, and to authorize the Board of Selectmen to apply for and accept any state or federal grant or assistance, or both, that may be available to pay for the above cost.

# Annual Town Meeting *Minutes*

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## **ARTICLE 15**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to authorize the Board of Selectmen to apply for and accept state funds to be received as reimbursement for road improvements and deposit said funds into the Town's Road Improvement Account to be used as reimbursement for expenditures made or to continue the Town's road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for expenditure of any funds allocated or to be allocated by the Commonwealth for the improvement of Chapter 90 and other roads within the Town of Westwood; and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said road improvement program.

## **ARTICLE 16**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to reconstruct Metcalf Road, to which the residents of said Metcalf Road will be responsible for betterment charges which will raise half the cost to reconstruct Metcalf Road; to authorize the selectmen to accept a grant of easement and accept said Metcalf Road as a public way once reconstructed; and to meet said appropriation, appropriate the sum of Fifty Thousand Dollars (\$50,000) from free cash.

## **ARTICLE 17**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to reconstruct an unaccepted portion of Fisher Street, to which the residents of said portion of Fisher Street will be responsible for betterment charges which will raise half the cost to reconstruct said portion of Fisher Street and to accept said portion as a public way once reconstructed; and to meet said appropriation, appropriate the sum of Eight Thousand Dollars (\$8000) from free cash.

## **ARTICLE 18**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to adopt the following amendments to the General By-laws:

Chapter 1, GENERAL PROVISIONS: §1-5 Penalty for Violation is amended by deleting said section in its entirety and replacing it with a new § 1-5 as follows:

§1-5 –Penalty for Violation: “Whosoever violates any by-law of the Town whereby any act or thing is enjoined, required or prohibited shall forfeit and pay a fine of \$100 for the first offense, \$200 for the second offense and \$300 for any subsequent offenses in any calendar year unless some other penalty is expressly provided by law, or some by-law of the Town. Whosoever violates any of the Traffic Rules and Regulations shall forfeit and pay for each offense a fine of \$50 unless some other penalty is expressly provided by law, or by some by-law of the Town.

Chapter 30, FINANCE: Article I. Finance; sections §30-1 Membership and composition; §30-2 Organization; § 30-6 Duties; §30-9 Voting record; §30-10 Delivery deadline; §122-7 Report; §138-8. Warrant Articles; § 138-15, D(1) and E are amended so that any reference to Finance Commission in those sections will now be Finance and Warrant Commission.

Chapter 30, FINANCE: § 30-7 Town Meeting warrants is amended by deleting said section in its entirety and replacing it with a new §30-7 as follows:

# Annual Town Meeting *Minutes*

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provided by by-law, its advice, estimates, and recommendations for consideration by the Town Meeting, in accordance with the provision of the Town Charter.”

Chapter 30, Finance; §30-10 is amended by adding a new paragraph at the end of said section that reads as follows: Said Annual Report shall be published on the Town’s website and copies made available at the Town Clerk’s office, provided however, that while it is the intent of this by-law that every effort shall be made to distribute and post the report as set forth herein, failure to do so shall not invalidate the actions of the Annual Town Meeting.

Chapter 30, Article I. FINANCE: § 30-15 is amended by adding a new paragraph at the end of said section that will read as follows:

“The Town Administrator shall serve as the Chief Procurement Officer under chapter 30B of the General Laws and shall be responsible for the procurement and award of all contracts for supplies, services, materials and equipment other than those for the school department and the library; provided, however, that any contract over \$100,000 shall require the approval of the Board of Selectmen.

Chapter 80, OFFICERS AND EMPLOYEES:

Article I, General Provisions, §80-2 Public records is amended by deleting said section in its entirety and substituting therefore the following new§80-2 as follows:

“ Except as otherwise provided for by law, any person having custody of any Town records or books shall, during reasonable business hours and at their regular office or at some convenient place, permit such books and records to be inspected and examined under their supervision. Such officer shall furnish copies thereof on payment of a reasonable fee, as set forth by 950 CMR 32.06, however if the immediate furnishing of such copies would seriously interfere with the work upon which the officer is then engaged, any such copies shall be furnished pursuant to the state’s public records law, 950 CMR 32.05(2).”

Chapter 80, OFFICERS AND EMPLOYEES

Article I. General Provisions, §80-3. Vacancy in elected office is amended by deleting said section in its entirety and substituting a new §80-3, as follows:

“If a vacancy occurs in the office of Moderator, such vacancy shall be filled in accordance with the Town Charter section 2-9-2. A vacancy occurring in the office of Selectmen, Town Clerk, Town Treasurer or Tax Collector shall be filled in accordance with the provisions of the General laws. A vacancy in the office of Regional School Representative shall be filled by vote of the School Committee and Board of Selectmen in accordance with the provisions of the General laws.

Chapter 90 PERSONNEL: is deleted in its entirety and substituting therefore a new Chapter as follows:

## § 90-1. Purpose and Authorization

The purpose of the Personnel By-law is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. This by-law is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and M.G.L. c. 41, § 108A and 108C.

## § 90-2. Application

All Town departments and positions shall be subject to the provisions of this by-law except elected officers, employees with personal contracts, and employees of the School Department. To the extent that

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any Town employee is subject to a collective bargaining agreement, in the event of a conflict and/or an inconsistency between said agreement and this by-law, then said agreement shall govern the terms and conditions of that employee's work.

## § 90-3. Town Administrator

Pursuant to Section 6-2-1(k) of the Town Charter, the Town Administrator is responsible for administering personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the Personnel Board, for all municipal employees and administering all collective bargaining agreements entered into by the Town.

Additionally, pursuant to Section 6-2-1(a)(i) of the Town Charter, the Town Administrator is authorized to appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the Town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the Town Administrator shall keep the chairman of the Board of Selectmen, or the chairman's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department.

## §90-4. Human Resources functions

The Town Administrator may organize human resources and personnel functions in a Human Resources Department. Subject to appropriation, the Town Administrator may, consistent with the provisions of Section 6-2-1(a) (i) and (ii) of the Charter, appoint a Human Resources Director to act by and for the Administrator to impartially and equitably oversee all personnel activities and responsibilities of the Town, other than employees of the School Department; provided, however, that the Town Administrator shall retain responsibility for all such delegated acts.

## §90-5 Personnel Board

- A. Composition; Mode of selection; Term of office: Qualifications. The Moderator shall appoint a Personnel Board consisting of five persons for three-year overlapping terms as provided in Section 7-4-1 of the Town Charter. Each term of office shall commence 30 days following the adjournment of the business session of the Annual Town Meeting, and every member shall serve until a successor is qualified. Any registered voter of the Town may be appointed to the Board; provided, however, that no elected official of the Town or Town employee shall be appointed to the Board. The Board shall annually elect a Chairperson and a Vice Chairperson from its membership at the first meeting following the appointment of new members, and may reorganize as necessary or appropriate. Any three members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of three members shall be necessary for any official act of the Board to be effective.
  
- B. Powers and Duties. The Board shall be responsible for formulating recommendations on and reviewing the classification and compensation plans, which plans shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions generally, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices. The Personnel Board shall also, in consultation with the Town Administrator, monitor the implementation and practices of the Town's personnel policies. Finally, the Personnel Board shall provide advice and assistance, to the extent requested, to the Town Administrator and Human Resources Director on any aspect of personnel policies and practices.

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## §90- 6. Personnel System

A personnel system shall be established by promulgation of policies pursuant to section 5. The personnel system shall make use of current concepts of personnel management and may include but not be limited to the following elements:

- A. Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.
- B. Classification Plan. A position classification plan for all employees subject to this by-law shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position provided that the Town Administrator and Personnel Board are first consulted regarding an appropriate starting salary. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions added during the prior year.
- C. A Compensation Plan. A compensation plan for all positions subject to this by-law shall consist of:
  - 1. A schedule of pay grades, including minimum, maximum and intermediate rates for each grade; and
  - 2. An official list indicating the assignment of each position to specific pay grades.
- D. A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.
- E. Personnel Records. A centralized recordkeeping system which maintains essential personnel records.
- F. Personnel Policies. A series of personnel policies which establishes the rights, the benefits to which certain personnel employed by the Town are entitled, and the obligations of said employees to the Town.
- G. Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

## § 90-7. Adoption and Amendment of Personnel Policies

The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of certain employees subject to this by-law. Policies shall be adopted or amended as follows:

- A. Preparation of Policies. Any member of the Board of Selectmen, Personnel Board, the Town Administrator, or any three employees may suggest policies for consideration. The Town Administrator shall refer such policies to the Personnel Board, which Board need not consider any proposal already considered in the preceding 12 months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any

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proposed policies or amendments shall be posted at least five days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit, and a copy shall be submitted to the Board of Selectmen.

- B. **Public Hearing.** The entity responsible for suggestion of the proposed policy or amendment shall present the purpose of the proposal and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. The Town Administrator and the Personnel Board shall, within -20 days after such public hearing, shall consider the proposed policies and recommend that the Board of Selectmen adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.
- C. **Recommended Policies.** The Town Administrator, or the Personnel Board at the administrator's request, shall transmit recommendations in writing to the Board of Selectmen within 20 days of any recommendation on proposed personnel policies or amendments. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Board of Selectmen shall consider recommendations of the Town Administrator and Personnel Board and may adopt, reject or return recommendations for further action. The Board of Selectmen need only act on proposed policies recommended for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified.
- D. **Computation of Time.** In computing time (days) under this by-law only days when the Town Hall is open for business shall be counted.

## § 90-8. Severability

The provisions of this by-law and any regulations adopted pursuant to this by-law are severable. If any by-law provision or regulation is held invalid, the remaining provisions of the by-law or regulations shall not be affected thereby.

Chapter 138. TOWN MEETINGS: § 138-2. Annual Town Meeting is amended by deleting § 138-2 in its entirety and substituting therefore a new §138-2 Annual Town Meeting as follows:

"All business, except the election of officers and determination of such matters as by law are required or permitted to be upon the ballot, shall be considered at an adjournment thereof, as provided in the Town Charter. There shall also be a second business session Annual Town Meeting held in the last three months of the calendar year on a date to be determined by the Board of Selectmen, which meeting shall be an "Annual Town Meeting" for purposes of the General laws; provided however, that the Board of Selectmen may, at its discretion, cancel said Fall Annual Town Meeting, no later than September 15 in any year, so long as no more than ten petitioned articles have been submitted for inclusion on the warrant of said Fall Annual Town Meeting, as set forth in the Charter, 2-6-1. Business sessions shall be called for 7:30 p.m.

Chapter 138, TOWN MEETINGS: § 138-3. Town Meeting warrant is amended by deleting section 138-3, in its entirety and substituting therefore a new § 138-3 as follows:

"Every Town Meeting shall be called by a Warrant, directed by the Board of Selectmen to a constable or other duly appointed person, which shall be served by posting attested copies thereof online and in four public places equally distributed among the four precincts, and at least seven days before the time stated in the warrant for holding an Annual Town Meeting or at least 14 days before the time stated in the warrant for holding a Special Town Meeting.

# Annual Town Meeting *Minutes*

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Chapter 138, TOWN MEETINGS: § 138-4. Publication and printing of warrant is amended by adding a new paragraph, as follows:

““The Finance and Warrant Commission shall distribute at least 30 days prior to the business session a summary of each article contained in the warrant of the Annual Town Meeting to the listed residence of each voter of the Town. A copy of the complete warrant shall be included in the Finance and Warrant Commission report for the Annual Town Meeting and shall also be distributed to the listed residence of each voter of the Town prior to such annual Meeting. Prior to each Special Town Meeting, the Finance and Warrant Commission shall distribute a summary of each article contained in the warrant for said meeting to the listed residence of each voter of the Town. The summaries and reports required hereunder shall be posted on the Town’s website and copies made available at the Town Clerk’s office provided however that while it is the intent of this by-law that every effort shall be made to distribute and post the summaries and reports as set forth herein, failure to do so shall not invalidate the action of the Town Meeting to which they relate.

Chapter 138, TOWN MEETINGS, §138-7, titled Voter initiative for Town Meeting action is amended by deleting said title in its entirety and substituting the following; § 138-7-1. “Petition.”

Chapter 138, Town Meetings, §138-7, is amended by adding a new §, 138-7-2 titled Pre-Petition to read as follows:

- A. Any five voters of the Town may submit to the Board of Selectmen or the Finance and Warrant Commission not less than 30 days prior to the closing of the warrant, a proposed warrant article and shall designate a “lead Petitioner” for the purposes of this section.
- B. The Board of Selectmen or the Finance and Warrant Commission shall include the proposed article on an agenda at a regular or special meeting for discussion and provide the lead petitioner with nonbinding guidance no later than seven days prior to the close of the warrant.
- C. Failure to submit an article under §138-7-2 shall not prevent the filing of a petition under § 138-7-1; provided however, that any guidance provided to the petitioners under § 138-7-2 shall not be binding on the Finance and Warrant Commission or Board of Selectmen in the event that a petition is submitted under §138-7-1”

Chapter 142. TOWN REPORT, ANNUAL §142-2, titled Distribution deadline is amended by deleting said section in its entirety and substituting the following:

“The Selectmen shall, on or about the 25th day of February, cause the Annual Town Report to be posted on the Towns website with copies available at Town offices. “

## ARTICLE 19

The Finance and Warrant Commission recommended and the town voted unanimously in favor to amend Chapter 184 of the General by-laws, “Animals” by deleting said chapter in its entirety and substituting therefor the following:

### CHAPTER 184

#### Article I. Animal Control

##### § 184-1. Definitions.

The following terms shall have the meaning herein given:

## **AT LARGE**

Means unaccompanied by a responsible person.

## **ANIMAL CONTROL OFFICER**

Means that person appointed by the Selectmen or otherwise serving in the capacity of Animal Control Officer for the Town of Westwood.

## **OESTRUS CYCLE**

Means the technical term for the common expression "in heat."

## **OUT OF CONTROL**

Means accompanied by a person not exerting the proper supervision.

## **RESTRAINED**

Means being kept leashed when outside the bounds, or fenced within the bounds of the property of the owner or keeper.

### § 184-2. Complaints.

If any person shall make a complaint in writing *Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.* and under oath the Animal Control Officer of Westwood that any dog has committed a violation of any of the provisions listed in §184-4, the Animal Control Officer shall investigate such complaint and after finding such violation shall cause such dog to be impounded or restrained and cause the owner or keeper of such dog to receive a written warning or pay a penalty as set forth in §184-3. The Animal Control Officer shall keep a written record of each such investigation and shall provide a copy thereof to the owner or keeper of the dog and the complainant.

### § 184-3. Penalties.

The penalty imposed upon an owner or keeper of a dog which has committed a violation of any of the provisions listed in §184-4 except for those offenses set forth in §184-4A (5) and (6) shall be \$25 for the first offense, \$50 for the second offense and \$75 for each subsequent offense. The penalty for violations of any of the provisions listed in §184-4A (5) and (6) shall be a mandatory penalty of \$50 for the first offense and \$100 for each subsequent offense.

### § 184-4. Violations.

A. The Animal Control Officer shall cause penalties to be invoked for any of the following reasons:

- 1) If found without a license, collar, or tag as required by M.G.L. c. 140.
- 2) If found at large when in her oestrus cycle, or if creating a nuisance.
- 3) No dog shall be permitted to be unrestrained while in or near any school yard, public park, public playground, public cemetery, or public or school recreational field or facility. Further, no person shall permit a dog under that person's control to defecate on any school yard, public park, public playground, public cemetery, or public or school recreational field or facility or any public property abutting thereto. Further, no dog shall be permitted to be at large or out of control of a responsible person in any other public area not designated within this subsection.
- 4) If found at large or not in control of dog's owner.

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- 5) For having bitten, injured, or physically harmed any person or domestic animal; or having caused any person to be fearful for their safety by chasing, worrying, snapping, or otherwise frightening said person.
  - 6) For having bitten or injured any domestic animal.
  - 7) For chasing any vehicle or bicycle on a public way or way open to public traffic.
  - 8) If the dog is found to bark, howl, or in any other manner to basically disturb the quiet of any person.
  - 9) For having disturbed, spilled, or otherwise upset rubbish or trash.
  - 10) For having littered, defecated, or caused damage to the property of any person (except for the property of the owner/keeper of the dog).
  - 11) If found at large or out of control after having been ordered restrained by the Animal Control Officer.
- B. An impounded dog or domestic animal shall be released to its owner or keeper upon payment of the penalty as described in §184-3 and upon payment of the pound fees as provided for in M.G.L.c.140. The following conditions, if applicable, shall also apply:
- 1) In the case of a dog impounded under Subsection A. (1) above, upon the obtaining of a license as required by law.
  - 2) Except as hereinafter provided in § 184-5, in the case of a dog impounded under Subsection A.(2) above, upon the agreement of the owner or keeper to undertake such restrictions or controls of the animal to prevent violations of Subsection A.(2) as the Animal Control Officer shall reasonably require.
- C. Dogs impounded and unclaimed by the owner or keeper within seven days may be put up for adoption or euthanized in accordance with the M.G.L. c.140§151A.
- D. For purposes of Subsection C. above, no dog shall be obtained for the purpose of scientific experimentation, investigation, or instruction as discussed in M.G.L. c. 140, § 151.

## § 184-5. Control of dogs in oestrus cycle.

If the Animal Control Officer determines that a dog in her oestrus cycle is attracting other dogs to the area, which conditions cause disturbances on or damage to neighboring property or public areas, he may impound the dog for the duration of the oestrus cycle, releasing it thereafter to the owner or keeper upon payment of penalties, if applicable, and upon payment of pound fees; as an alternative, the Animal Control Officer may require that the owner, or keeper, place and keep such a dog, while in such cycle, in a kennel or remove it from the area so that the nuisance is abated.

## § 184-6. Control of dogs.

- A. Restraint of dogs. In addition to and not in limitation of any other remedies or penalties, the Animal Control Officer shall order the owner or keeper of a dog to restrain a dog for violation of any of the provisions listed in §184-4A. After a period of no less than 21 days, the Animal Control Officer may, at his discretion, remove an order of restraint if the owner or keeper of the dog satisfies him that the dog is unlikely to repeat the offense.

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- B. Permanent restraining or muzzling of dogs. If any person shall make a complaint in writing *Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.* to the Animal Control Officer of Westwood that any dog is a nuisance by reason of vicious disposition, or by repeated violations of any of the provisions listed in §184-4A which are contrary to the safety and welfare of the community. The Animal Control Officer shall investigate such complaint, which may include an examination on oath of the complainant, the owner or keeper and witnesses, and upon finding that such dog is a nuisance as hereinbefore set forth shall order such dog to be permanently restrained and/or muzzled or request the Selectmen to banish and remove the dog from the Town of Westwood in accordance with M.G.L.c140.

## § 184-7. Enforcing officer.

This by-law shall be enforced the Animal Control Officer of Westwood and/or others who may be appointed from time to time by the Board of Selectmen of Westwood for such purpose.

## § 184-8. Validity.

- A. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.
- B. This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in M.G.L. c. 140 but is in addition thereto.

## § 184-9. Enforcement.

In addition to the foregoing and not in limitation thereof, the Animal Control Officer shall impound any dog found at large.

## § 184-10. Licensing; dogs worrying, maiming or killing livestock.

- A. No person shall own or keep a dog in the Town of Westwood which is not duly licensed as required by the provisions of M.G.L. c. 140, § 137 The registering, numbering, describing and licensing of dogs shall be conducted in the office of the Town Clerk of said Town. Any person who no longer owns a dog shall notify the Town Clerk immediately.
- B. When license fees for dogs are due in January of each year and the dog is a spayed female or neutered male, the spaying or neutering certificate must be presented at the time of license application. All rabies shot certificates must be shown before a new license can be issued.
- C. Notwithstanding the provisions of M.G.L. c. 140, § 139 or any other provision of law to the contrary, the annual fees charged for the issuance of licenses for dogs shall be established by the Town Clerk in accordance with the provisions of M.G.L. c. 40, § 22F. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Town or other disposal of said dog.
- 1) Effective January 1, 2011, the term of any license issued by the Town Clerk shall be for the period of January 1 to December 31. The Town may impose a late fee of not less than \$50 in accordance with the provisions of M.G.L.c.140,§141 to be paid by the owners who license said dog or dogs after April 1, of any given year.
- D. Notwithstanding the provisions of M.G.L. c. 140, § 147 or any other provision of law to the contrary, all money received from the issuance of dog licenses by the Town of Westwood, or recovered as fines or penalties by said Town under the provisions of M.G.L. c. 140 or by vote of

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the Town under Article 38 of the warrant for the 1981 Annual Town Meeting relating to dogs, shall be paid into the treasury of said Town and shall not thereafter be paid over by the Town Treasurer to Norfolk County.

- E. Notwithstanding the provisions of M.G.L. c. 140, § 160 or any other provision of law to the contrary, whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by dogs, outside the premises of the owners or keepers of such dogs, shall, after investigation as provided in M.G.L. c. 140, § 161, be paid from the treasury of said Town.

## **ARTICLE 20**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to authorize the Blue Hills Regional Technical School District to establish a Stabilization Fund according to Chapter 71, Sections 16G.5 of the Massachusetts General Laws.

## **ARTICLE 21**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to authorize the Board Of Selectmen to accept and grant certain easements pursuant to a declaration of reciprocal easements and rights with The Colburn School LLC in order to clarify the rights and obligations concerning the use and maintenance of the Colburn Property and the Town Library Property.

## **ARTICLE 22**

There was a motion from the floor to amend §9.4.2.2 of this article by removing parcels 27-022 and 27-221, which was then seconded. A majority vote was needed to carry this amendment. At such time a voice vote was taken which was in doubt by the Moderator and a standing vote was called. The motion to amend failed by a vote of 123 opposed and 97 in favor. The original article was then acted upon as follows:

The Finance and Warrant Commission recommended and the town voted by a 2/3 vote in favor declared by the moderator, to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.4 [Wireless Communication Overlay District (WCOD)], as set forth below:

- 1) Replace the existing Section 9.4 [Wireless Communication Overlay District (WCOD)] with a new Section 9.4 [Wireless Communication Overlay District (WCOD)] to read as follows:

### **9.4 WIRELESS COMMUNICATION OVERLAY DISTRICT (WCOD)**

**9.4.1 Purpose.** The purpose of the Wireless Communication Overlay District (WCOD) is to permit and regulate the use of wireless communication 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 in that the requirements of this section: (i) do not prohibit or have the effect of prohibiting the provision of wireless communication services; (ii) are not intended to discriminate unreasonably among providers of functionally equivalent services; and (iii) do not regulate wireless communication services on the basis of environmental effect of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions. 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 Wireless Communication Overlay District-- (WCOD 1) is herein established as an overlay district as shown on the Official Zoning Map and as described herein:

**9.4.2.1** The WCOD shall comprise all land within the following zoning districts:

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

- 9.4.2.2 The WCOD shall also include the following specific parcels, or discreet portions of parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2014:

Parcel 04-001 (Hale Reservation, limited to existing utility easement);  
Parcel 09-065 (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 (Westwood Public Library);  
Parcel 14-094 (Deerfield School);  
Parcel 14-096 (St. John's Episcopal Church);  
Parcel 14-140 (First Baptist Church);  
Parcel 14-181 (Colburn School Building);  
Parcel 16-005 (Hanlon School); Parcel 16-238 (St. Denis Church);  
Parcel 16-250 (First Evangelical Free Church);  
Parcel 20-072 (Baker Conservation Area, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcel 20-072 (Baker Conservation Area), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);  
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 23-189 (Islington Community Center);  
Parcel 23-215 (Islington Fire Station and Morrison Field);  
Parcel 24-135 (Downey School);  
Parcels 27-022 and 27-221 (June Street Conservation Area, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcels 27-022 and 27-221 (June Street Conservation Area), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);  
Parcel 28-077 (Sheehan School);  
Parcel 28-078 (Sheehan Fields, limited to portion so designated on plan entitled "Wireless Communications Overlay District, Parcel 28-078 (Sheehan Fields), Westwood, Massachusetts", prepared by BETA Engineering, and dated April 15, 2013);  
Parcel 28-329 (Temple Beth David);  
Parcels 29-123 (Westwood Lodge);  
Parcel 35-089 (Martha Jones School); and  
That abandoned portion of public right-of-way which extends from the intersection of Grove Street and Country Club Road to Route 128.

- 9.4.3 **Definitions.** For the purposes of this Section, the following definitions shall apply:

- 9.4.3.1 **Wireless communication facility.** Any tower, pole, antenna, receiving or transmitting equipment of any kind, and any equipment or structure related to wireless communication activities such as cellular telephone service, personal communication service (PCS), enhanced specialized mobile radio service, paging, light radio, and any other functionally equivalent service, including access ways, screening materials and landscaping associated with said facility.
- 9.4.3.2 **Minor wireless communication facility.** A wireless communication facility for which all components are located fully within a building or structure, and are not visible from the exterior of said building or structure, or for which any components located outside of, or attached to, an existing building or structure are less than ten (10) feet in height.
- 9.4.3.3 **Major wireless communication facility.** A wireless communication facility not meeting the limitations specified for a Minor wireless communication 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 a WCOD may be used for any purpose permitted as of right or by special permit in the underlying district. Minor wireless communication facilities and Major wireless communication facilities may be permitted in the WCOD as set forth in this Section. 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 communication facilities to be located entirely within the interior of an existing building or structure, and not involving a change to the exterior size or appearance of the building or structure, or to be located entirely within the interior of an addition to an existing building where said addition is approved pursuant to Section 7.3 of this bylaw, and which facilities are not visible from the exterior, shall be a permitted use in the WCOD, provided that the wireless communication facility complies with FCC standards for radio frequency emissions and receives a building permit from the Building Inspector. However, any addition to an existing building which is designed primarily to house a wireless communication facility, shall require a WCOD EIDR Approval from the Planning Board in compliance with the provisions of this section and Section 7.3 of this bylaw.
  - 9.4.5.2 Minor wireless communication facilities to be located outside of, or attached to, an existing building or structure, including an existing communication facility, utility transmission tower or pole, water tower or related facility, shall be a permitted use in the WCOD, provided that the wireless communication 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 a WCOD EIDR Approval pursuant to this section and Section 7.3 of this bylaw.
  - 9.4.5.3 Minor wireless communication facilities to be located entirely within the interior of a new building which is designed primarily to house a wireless communication facility, and which facilities are not visible from the exterior, shall be permitted

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in the WCOD only upon the issuance of a WCOD Special Permit from the Planning Board in compliance with the provisions of this section.

- 9.4.5.4 Major wireless communication facilities may be permitted in the WCOD only upon the issuance of a WCOD Special Permit from the Planning Board, which shall include a determination by the Planning Board that the location of the proposed facility would provide adequate screening and/or buffering such that the proposed facility 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.
- 9.4.6 **Application and Submittal Requirements.** An application for a WCOD Special Permit or WCOD EDR Approval shall be filed in accordance with the Planning Board's Rules and Regulations for Wireless Communication Overlay District Special Permits, and 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 communication 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 communication 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.
- 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 communication 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 communication facility, existing and proposed.
  - 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 communication facility is in compliance with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health.
  - 9.4.6.8 A description of the wireless communication facility's capacity, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
  - 9.4.6.9 Documentation that the Applicant has the legal right to install and use the wireless communication 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 communication facility in relation to the surrounding area.
- 9.4.7 **Development Standards.**
- 9.4.7.1 An Applicant proposing a wireless communication 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, and that no reasonable combination of locations, techniques, or technologies will mitigate the height or visual impact of the proposed wireless communication facility.
  - 9.4.7.2 Co-location of wireless communication facilities is encouraged. To the extent possible, wireless communication facilities shall be located in or on existing buildings or structures, including, but not limited to, buildings, communication facilities, utility transmission towers or poles, water towers, and related facilities, provided that such installation preserves the character and integrity of these buildings or structures. The Applicant shall have the burden of demonstrating to the satisfaction of the Planning Board that a good faith effort has been made to co-locate on an existing building or structure, or on an existing Major or Minor wireless communication facility, that there are no feasible existing buildings or structures upon which to locate, and that no reasonable combination of locations, techniques or technologies will obviate the need for the proposed wireless communication facility.

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- 9.4.7.3 Major wireless communication facilities shall be designed and constructed to accommodate the maximum number of presently interested users that is technologically practical, except where the Planning Board determines that a reduction in the size or height of a facility would be preferable despite a negative effect on co-location opportunity. In addition, if the number of proposed users is less than four, the applicant shall provide a plan showing how the proposed tower can be expanded to accommodate up to four users. In the event that the Planning Board finds that co-location is preferable, the applicant must agree to allow co-location pursuant to commercially reasonable terms to additional users.
- 9.4.7.4 All new antenna support structures shall be buildings or monopoles. Where appropriate to the surrounding area, at the sole discretion of the Planning Board, monopoles shall be disguised as flag poles or trees.
- 9.4.7.5 The highest point of a Major wireless communication facility, including its antenna support structure and any component thereof or attachment thereto, shall not exceed one hundred (100) feet above ground level, except that this height limit may be increased, at the sole discretion of the Planning Board, subject to a finding that such increased height will have no significant adverse impact on the town and surrounding residential properties.
- 9.4.7.6 The maximum diameter or width of any Major wireless communication facility antenna support system shall be no more than three (3) feet, except that this diameter or width may be increased, at the sole discretion of the Planning Board, subject to a finding that such increased diameter or width will have no significant adverse impact on the town and surrounding residential properties.
- 9.4.7.7 All Major wireless communication facilities shall be setback from all property lines abutting any public way, including any sidewalk, a distance equal to one hundred percent (100%) of the height of the highest point of the wireless communication facility, except that this setback requirement may be reduced, at the sole discretion of the Planning Board, to allow the integration of a wireless communication facility into an existing or proposed building or structure.
- 9.4.7.8 No Major wireless communication facility shall be constructed within a distance equal to one hundred percent (100%) of the height of the highest point of the wireless communication facility from any existing residential dwelling or any proposed dwelling for which a building permit or subdivision approval has been issued. However, this regulation shall not prohibit the later development of any residential dwelling within said distance from an existing wireless communication facility.
- 9.4.7.9 All equipment enclosures and other improvements included within a wireless communication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair.
- 9.4.7.10 Unless waived by the Planning Board, fencing shall be provided to control access to the base of a Major wireless communication facility. The fencing shall be compatible with the scenic character of the Town, as determined by the Planning Board, and shall not consist of chain link, barbed wire or razor wire.

- 9.4.7.11 All exterior wireless communication facilities shall be painted, colored, molded, installed or otherwise screened to minimize their visibility to abutters, adjacent streets, views from scenic roads, and residential neighborhoods. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Existing on-site vegetation shall be preserved to the maximum extent feasible.
- 9.4.7.12 All antennas on a Major wireless communication facility shall be single unit cross-polar antennas. Antennas shall be designed and mounted in such a manner as to present the smallest possible silhouette, profile, or cross-section.
- 9.4.7.13 Wireless communication 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, or unless the Planning Board requires the lighting of a monopole disguised as a flag pole.
- 9.4.7.14 Wireless communication facilities shall not interfere with nor have any negative effect on the Town's emergency radio communications.
- 9.4.7.15 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.
- 9.4.8 **Decision.** A WCOD Special Permit or WCOD EIDR Approval shall only 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. Prior to the issuance of any WCOD Special Permit or WCOD EIDR Approval, the Planning Board shall make positive findings that:
- 9.4.8.1 The Applicant has demonstrated to the satisfaction of the Planning Board that there exists a significant gap in coverage and that said gap would be sufficiently reduced or eliminated by the proposed wireless communication facility.
- 9.4.8.2 The Applicant has demonstrated to the satisfaction of the Planning Board that the wireless communication facility must be located at the proposed site due to technical, topographical or other unique circumstances, in order to satisfy a demonstrated gap in coverage.
- 9.4.8.3 The Applicant has demonstrated to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal, and that no reasonable combination of locations, techniques or technologies will mitigate the height or visual impact of the proposed wireless communication facility.
- 9.4.8.4 The Applicant has demonstrated, in any case where a major wireless communication facility is permitted within the WCOD, that the location of the

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proposed facility would provide adequate screening and buffering such that the proposed facility 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.

9.4.8.5 The Applicant has demonstrated to the satisfaction of the Planning Board that the wireless communication facility will have no significant adverse impact on the town and surrounding residential properties.

9.4.9 **Discontinuance of Use.** A wireless communication 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 communication 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.

9.4.10 **Pre-existing Non-conforming Facilities.** Any wireless telecommunication facility legally in existence on the date of enactment of this section which does not comply in all respects with these provisions shall be deemed a pre-existing non-conforming use. Such wireless communication facilities may be renewed by vote of the Planning Board at a public meeting. Non-conforming Minor wireless communication facilities may be reconstructed, expanded and/or altered pursuant to the issuance of a WCOD EIDR Approval from the Planning Board in compliance with the applicable provisions of this section. Non-conforming Major wireless communication facilities may be reconstructed, expanded and/or altered pursuant to the issuance of a WCOD Special Permit from the Planning Board in compliance with the applicable provisions of this section. A new Minor wireless communication facility associated with a non-conforming Major wireless communication facility may be granted WCOD-EIDR Approval in compliance with the applicable provisions of this section.

9.4.11 **Time Limitation.** A special permit issued for a Major wireless communication 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 communication facility shall be removed at the Applicant's expense unless the Applicant receives approval from the Planning Board to renew the WCOD Special Permit for an additional five (5) years.

- 2) Revise Official Zoning Map to reflect proper delineation of Wireless Communication Overlay District.

## ARTICLE 23

The Finance and Warrant Commission recommended and the town voted unanimously in favor to approve certain amendments to the Westwood Zoning Bylaw related to signs, including amendments to Section 6.2 [Signs], and related amendments to Section 2.0 [Definitions], as set forth below:

- 1) Remove the existing Section 6.2.2.21, add a new Section 6.2.2.21 to read as follows, and renumber previous and subsequent sections as appropriate:

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- 6.2.2.21      Real Estate Open House Sign A temporary sign announcing a real estate open house during which an agent or owner will show property for sale or lease.
- 2) Replace the existing Section 6.2.2.26, with a new Section 6.2.2.26 to read as follows:
- 6.2.2.26      Special Events Sign A temporary sign that advertises a charitable, nonprofit or civic event, which event may include an open house, registration or similar event associated with a charitable, nonprofit or civic organization.
- 3) Replace the existing Section 6.2.3 with a new Section 6.2.3 to read as follows:
- 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, historic designation signs, temporary real estate signs, temporary political signs, temporary special event signs, real estate open house signs, and yard sale signs shall not require a sign permit.
- 4) Replace the existing Section 6.2.10.1.1 with a new Section 6.2.10.1.1 to read as follows:
- 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, and shall be in full conformance with applicable town policy for said signs.
- 5) Replace the existing Section 6.2.10.4, with a new Section 6.2.10.4 to read as follows:
- 6.2.10.4              **Temporary Political Signs.** Temporary political signs shall be permitted in all Districts, and shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.
- 6) Replace the existing Section 6.2.10.5, with a new Section 6.2.10.5 to read as follows:
- 6.2.10.5              **Temporary Banners.** Temporary banners announcing charitable, nonprofit, or civic events to be held within the geographic boundaries of the Town of Westwood, 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.

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- 7) Replace the existing Section 6.2.10.6, with a new Section 6.2.10.6 to read as follows:

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 special event signs shall be removed within two (2) days after such event. Temporary special event signs shall be limited to no more than (6) square feet in area, and to no more than three (3) feet in height. No more than one (1) temporary special event sign shall be displayed on any property at any one time, and no more than four (4) temporary special event signs shall be displayed on any property during the course of a single calendar year. Temporary special event signs shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.

- 8) Replace the existing Section 6.2.10.7, with a new Section 6.2.10.7 to read as follows:

6.2.10.7      **Real Estate 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. Real estate open house signs shall not require a permit from the Building Commissioner pursuant to Section 6.2.3.

## ARTICLE 24

The Finance and Warrant Commission recommended and the town voted by a 2/3 vote in favor declared by the moderator to approve certain amendments to the Westwood Zoning Bylaw related to medicinal marijuana, including amendments to Section 4.1 [Principal Uses], Section 2.0 [Definitions], and Section 6.1.5 [Parking Requirements for Commercial Uses], and adoption of a new Section 4.6 [Interim Regulations for Medicinal Marijuana Use], as set forth below:

- 1) Add a new Section 4.1.5.37 to read as follows, with "BA" in columns under district ARO, and with "N" in all other columns:

4.1.5.37      **Medicinal Marijuana Dispensary**

- 2) Add a new Section 4.1.5.38 to read as follows, with "N" in all columns:

4.1.5.38      **Other Marijuana Facility**

- 3) Add new Sections 2.87 and 2.98 to read as follows, and renumber subsequent sections as appropriate:

2.87      Medicinal Marijuana Dispensary An establishment, lawfully permitted and licensed by the state Department of Public Health or other applicable state entity, that acquires, cultivates, possesses, processes, sells, dispenses, distributes, or administers products containing or derived from marijuana, including, without limitation, food, tinctures, aerosols, oils, ointments, or smokable, and/or marijuana-related supplies or materials, to qualifying patients or their personal caregivers.

2.98      Other Marijuana Facility Any acquisition, cultivation, possession, processing, sale, dispensing, distribution, or administration of products containing or derived from marijuana,

# Annual Town Meeting *Minutes*

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including, without limitation, food, tinctures, aerosols, oils, ointments, or smokables, and/or marijuana-related supplies or materials, other than a Medicinal Marijuana Dispensary.

- 4) Amend Section 6.1.5 [Parking Requirements for Commercial Uses] by adding new Section 6.1.5.12 to read as follows, and renumber subsequent sections as appropriate:

6.1.5.12 Medicinal Marijuana Dispensary	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
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- 5) Add a new Section 4.6 to read as follows:

**4.6 INTERIM REGULATIONS FOR MEDICINAL MARIJUANA USE**

**4.6.1 Purpose.** This Section is intended to provide restrictions that will allow the Town adequate time to consider regulations pertaining to facilities associated with the medicinal use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and to develop appropriate standards, criteria and conditions for the establishment and operation of such facilities. Given that a law permitting the medicinal use of marijuana in the Commonwealth of Massachusetts shall be in effect beginning January 1, 2013, and the Massachusetts Department of Public Health has yet to promulgate the regulations by which such facilities shall be registered and administered, a restriction on the establishment of such facilities shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations to appropriately address these considerations consistent with state regulations and permitting procedures.

**4.6.2 Restriction on Applicability of Section 4.1.5.3.7.** No medical marijuana dispensary shall be permitted by special permit pursuant to 4.1.5.37 so long as this Section 4.6 is effective, as set forth in Section 4.6.3.

**4.6.3 Period of Restriction.** The Section 4.6 shall be effective immediately and continuing through May 6, 2014.

**ARTICLE 25**

The Finance and Warrant Commission recommended and the town voted unanimously in favor 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:

- 1) Replace the words “impermeable cover and surface which the Board of Appeals finds is so designed to prevent the generation” with the words “impermeable cover and impervious surface

# Annual Town Meeting *Minutes*

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which the Board of Appeals finds is sufficiently designed to prevent the discharge” in existing Sections 9.3.5.3 and 9.3.5.4 so that the amended sections reads as follows:

- 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 impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.
- 9.3.5.4 Stockpiling of animal manures, but only in a structure with an impermeable cover and impervious surface which the Board of Appeals finds is sufficiently designed to prevent the discharge of contaminated run-off or leachate.

## **ARTICLE 26**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to accept M.G.L. Chapter 59, Section 5, Clause Fifty-six, establishing a Citizen Solider Exemption in the Town of Westwood.

## **ARTICLE 27**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to adopt M.G.L.A. Chapter 59, Section 5N, which would entitle qualified Veterans as defined by in the Forty Third Clause of Section 7 of Chapter 4 M.G.L. to provide services to a city or town in exchange for a reduction in real estate property tax obligations at a rate of pay equal to the minimum wage of the Commonwealth per hour up to \$1,000 in any given year; the Town shall set aside up to \$10,000 as compensation for up to ten (10) veterans under this Veteran’s Work Off Program in fiscal year 2014 and every year thereafter.

## **ARTICLE 28**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to accept Chapter 137 of the Acts of 2003 Military Pay Differential Act relative to public employees serving in the Armed Forces of the United States.

## **ARTICLE 29**

The Finance and Warrant Commission recommended and the town voted unanimously in favor to amend Chapter 338 – SOLICITING AND CANVASSING as follows:

§338-5. Application Requirements: by adding a new section C as follows:

- b. The application will be considered and acted upon within two business days of its submission. If not acted upon within two business days, the applicant shall be notified.

§338-6. Background check: by deleting this section in its entirety and inserting therefore the following:

§338-6 Subject to the provisions of the Massachusetts Criminal Records Offender Statute, M.G.L. c. 6, §167 et seq., regulations promulgated thereunder and Chapter 339 Fingerprint Based Criminal Record Background Checks, of the Code of the Town of Westwood, the Westwood Police Department shall conduct a criminal records check of each applicant for a Town of Westwood door-to-door sales permit to determine the applicant’s fitness and suitability to conduct door-to-door sales.

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All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 11:07 p.m.

Attest:

A handwritten signature in black ink that reads "Dorothy A. Powers". The signature is written in a cursive style with a large initial "D".

Dorothy A. Powers, CMC, CMMC  
Westwood Town Clerk

# Special State Election Results

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June 25, 2013

THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL STATE ELECTION  
TOWN OF WESTWOOD  
TUESDAY, JUNE 25, 2013

SENATOR IN CONGRESS	Pct.1	Pct.2	Pct.3	Pct.4	TOTAL	TOTAL
Blanks	0	1	1	0	2	0.05%
GABRIEL E. GOMEZ	552	621	525	512	2210	54.92%
EDWARD J. MARKEY	493	478	512	311	1794	44.58%
RICHARD A. HEOS	4	2	2	4	12	0.30%
All Other Votes	3	1	0	2	6	0.15%
<b>TOTAL</b>	<b>1052</b>	<b>1103</b>	<b>1040</b>	<b>829</b>	<b>4024</b>	<b>100%</b>

Precinct	Registered	Voted	Percent
1	2,716	1052	39%
2	2,743	1103	40%
3	2,721	1040	38%
4	2,496	829	33%
<b>TOTAL</b>	<b>10,676</b>	<b>4,024</b>	
<b>TOTAL PERCENTAGE OF VOTERS:</b>			<b>38%</b>

# Fall Town Meeting *Minutes*

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Monday, November 18, 2013  
Westwood High School Auditorium



Pursuant to a warrant dated October 21, 2013, signed by Selectmen, Patrick J. Ahearn, Nancy C. Hyde and Philip N. Shapiro, the inhabitants of Westwood qualified to vote in Elections and Town affairs, convened in the Westwood High School Auditorium on Monday November 18, at 7:30 p.m.

Acting Moderator, Paul Fitzgerald who declared the presence of a quorum with Two hundred and forty three (243) registered voters in attendance, called the meeting to order at 7:34 p.m. The return on warrant was read, after which all stood for the pledge of Allegiance to the Flag. The Town then voted unanimously on the Selectmen's move to dispense the reading of the articles and full warrant, and to adjourn the meeting until 7:30 pm on Tuesday, November 19, 2013 if business was not completed by 10:45 pm.

## **ARTICLE 1**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

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

## **ARTICLE 2**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

## **ARTICLE 3**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

**ARTICLE 4**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

**ARTICLE 5**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

**ARTICLE 6**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 votes in favor declared by the Moderator, 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.

# Fall Town Meeting *Minutes*

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## **ARTICLE 7**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

## **ARTICLE 8**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator, 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.

## **ARTICLE 9**

The Finance Commission recommended that the town vote in favor of this article. The article failed to achieve a 2/3 vote declared by the Moderator. A motion from the floor was made for a counting vote with the required 7 people standing in favor of this. The article failed to get a 2/3 vote required by a vote of 81 No to 73 Yes. A motion for reconsideration was made and

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seconded. A standing vote was called by the Moderator. The article failed to get a 2/3 vote required by a vote of 77 No to 117 Yes to 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.

## **ARTICLE 10**

The Finance Commission recommended that the town vote in favor of this article. The article failed to achieve a 2/3 vote required by a vote of 104 No to 67 Yes 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.

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

## **ARTICLE 11**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw, Section 8.4 [Senior Residential Development (SRD)] as set forth below.

- 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:

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- 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:

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- 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.

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- 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.

## ARTICLE 12

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw, Section 8.3 [Open Space Residential Development (OSRD)] as set forth below.

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.

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- 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:

<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.

- 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:

<b>Minimum Dimensional Requirements in OSRD</b>		
	<b>Detached single-family dwelling units</b>	<b>Single-family attached dwelling units</b>
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:

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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:

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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.

## **ARTICLE 13**

The Finance Commission recommended that the town vote in favor of this article. A motion from the floor was made in writing to strike clause 8.1.2. The motion failed to achieve a 2/3 vote declared by the Moderator. The original article passed by a 2/3 vote in favor declared by the Moderator.

One-Family Dwelling] as set forth below.

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

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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.

### **ARTICLE 14**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 votes in favor declared by the Moderator 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.

- 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.

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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:

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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
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## **ARTICLE 15**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 votes in favor declared by the Moderator to approve certain amendments to the Town of Westwood Official Zoning Map, to correct errors or omissions.

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

## **ARTICLE 16**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote in favor declared by the Moderator 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.

- 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”.

## **ARTICLE 17**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor declared by the Moderator to adopt the following amendments to the General Bylaws:

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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.”*

### **ARTICLE 18**

The Finance and Warrant Commission recommended and the Town voted by a majority in favor  
declared by the Moderator 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.”*

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 9:06  
p.m.

Attest:



Dorothy A. Powers, CMC, CMMC  
Westwood Town Clerk

End of part 3 of 4  
Please download the Appendix C  
For a complete archive of the 117<sup>th</sup> Annual Report.