COMMONWEALTH OF MASSACHUSETTS

SPECIAL TOWN MEETING WARRANT

TOWN OF NORWOOD

Norfolk, ss.

To either of the constables in the Town of Norwood in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Norwood, qualified as the law requires to vote in Town affairs, to meet in the Auditorium of the Norwood High School on Nichols Street in said Town on Monday, May 12, 2014, 7:35 o'clock in the afternoon to meet and act at said time and place on the following Articles:

ARTICLE 1. To see if the Town will vote to amend the By-Laws of the Town of Norwood by adding a new section XXXXIV entitled "Medical Marijuana Regulations", as follows, or take any other action in the matter.

Medical Marijuana By-Law

SECTION A. PURPOSE AND INTENT

WHEREAS, the registered voters in the Commonwealth of Massachusetts voted in November 2012 approved the medical use of marijuana in certain circumstances, which was subsequently codified as the "Humanitarian Medical Use of Marijuana Act" ("Act"), Chapter 369 of the Acts of 2012 (see also M.G.L. c. 94C, App. § 1-1 et seq.);

WHEREAS, the Massachusetts Department of Public Health ("DPH") subsequently adopted state regulations governing the medical use of marijuana under 105 CMR 725.000, entitled the "Implementation of an Act for the Humanitarian Medical Use of Marijuana" ("Regulations");

WHEREAS, the prevention of the illegal sale, distribution and use of marijuana, particularly by the youth of the Town of Norwood ("Town") and persons who are not qualifying patients or their caregivers, is consistent with the preservation of the public health, safety and welfare;

WHEREAS, Registered Marijuana Dispensaries (also known as Medical Marijuana Treatment Centers) and similar entities in other jurisdictions have been found to present unique and challenging threats to public health and safety;

WHEREAS, 105 CMR 725.600(A) expressly requires a Registered Marijuana Dispensary and other registered persons to comply with all local rules, regulations, ordinances and bylaws;

WHEREAS, 105 CMR 725.600(B) authorizes lawful local oversight and regulation of Registered Marijuana Dispensaries, qualifying patients with hardship cultivation registrations, and any other aspects of marijuana for medical use, including fee requirements, provided that such oversight and regulation does not conflict or interfere with the operation of 105 CMR 725.000;
WHEREAS, reasonable and effective local oversight of the medical use of marijuana, including the acquisition, cultivation, possession, processing, transfer, transport, sale, distribution, dispensing, use, and administration, is needed to protect the public health, safety and welfare, while ensuring legitimate patient access; and

WHEREAS the Town aims to abide by the goals of the Act and the Regulations and ensure that Registered Marijuana Dispensaries and their Dispensary Agents abide by further local requirements to ensure the safety of the residents of the Town and the public at large;

NOW, THEREFORE, it is the intention of the Town to regulate the medical use of marijuana and to protect, promote, and preserve the health and wellbeing of all Town residents, particularly the most vulnerable.

SECTION B. DEFINITIONS

For the purpose of this Bylaw, the following words shall have the following meanings:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Card Holder: A registered qualifying patient, a personal caregiver, or a Dispensary Agent of an RMD, who has been issued and possesses a valid registration card issued by DPH.

Cultivation Registration: A registration issued to an RMD or to a registered qualifying patient or personal caregiver for cultivation of marijuana for medical use, in accordance with the Act and the Regulations.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Laws Chapter 64C, Section 1, Paragraph 1.

DPH: The Massachusetts Department of Public Health or its successor agency.

Dispensary Agent: A board member, director, employee, executive, manager, or volunteer of an RMD, who is at least twenty-one (21) years of age.

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Employee: Any individual who performs services for an RMD, and includes a consultant or contractor who provides on-site services to an RMD related to the cultivation, harvesting, preparation, packaging, storage, testing or dispensing of marijuana.

Enclosed, Locked Facility: A closet, room, greenhouse, or other indoor or outdoor area equipped with locks or other security devices, accessible only to Dispensary Agents, registered qualifying patients, or personal caregivers.
Hardship Cultivation Registration: A registration issued to a registered qualifying patient by DPH, in accordance with the requirements of 105 CMR 725.035 (or its successor regulation).

License to Operate an RMD (hereafter referred to as “License”): A license issued by the Town, through its Board of Selectmen, to be renewed annually, required by the Town for operating an RMD.

License Holder: Any person who is required to apply for and hold a License pursuant to this Bylaw.

Marijuana: All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes marijuana-infused products (“MIPs”) except where the context clearly indicates otherwise.

Medical Marijuana Treatment Center: A not-for-profit entity registered under 105 CMR 725.100, to also be known as a registered marijuana dispensary (“RMD”), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Non-Residential Roll-Your-Own (“RYO”) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual’s own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Registration Card: A personal identification card issued by DPH to a qualifying patient, personal caregiver, or Dispensary Agent.

Self-Service Display: Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

Sixty-Day Supply: The amount of marijuana that a qualifying patient would reasonably be expected to need over a period of sixty (60) days for their personal medical use, as defined by DPH.

Smoking: The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled (including without limitation products containing marijuana).
Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff, blunt wraps or tobacco in any of its forms.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

SECTION C. LICENSE TO OPERATE AN RMD

1. No person shall operate an RMD within the Town without first obtaining a License. The License shall expire annually on December 31. The Board of Selectmen shall issue a License if the RMD files a completed License application, accompanied with the applicable License fee, and demonstrates compliance with the provisions of this Bylaw, the Act, and the Regulations. The requirements contained herein apply to initial and renewal License applications.

2. Only RMDs with a permanent, non-mobile location in the Town, in full compliance will all applicable zoning requirements, are eligible to apply for a License.

3. As part of the License application process, the applicant will be provided with a copy of this Bylaw. Each applicant is required to sign a statement declaring that the applicant has read said Bylaw and that the applicant is responsible for notifying any and all Dispensary Agents who will be employed by the RMD about this Bylaw.

4. Each License applicant is required to provide proof of a current certificate of registration for the RMD issued by DPH before a License can be issued.

5. Each License applicant shall file a copy of the operating procedures required by 105 CMR 725.105 (or its successor regulation) and any subsequent amendments to said operating procedures with the Board of Selectmen.

6. Each License applicant shall submit its security plans, policies and procedures to the Board of Selectmen, which shall be referred to the Chief of Police, or his or her designee, for review and comment. Said security plans and procedures shall describe all security measures undertaken by the RMD to ensure Card Holder and community safety and to eliminate unauthorized access to the premises of the RMD. Issuance of the License may be conditioned upon the applicant’s compliance with any security measures required or recommended by the Board of Selectmen or the Chief of Police, or his or her designee.

7. Each License applicant shall connect its alarm system to a third party monitoring system, and notify the Chief of Police about said third party monitoring system.

8. An RMD providing home delivery must offer a secure patient or personal caregiver home delivery system for delivery of marijuana or marijuana products to every address within the Town’s corporate limits and provides patient or personal caregiver home delivery service to any patient or personal caregiver residing in the Town who suffers a physical incapacity to access transportation as described by 105 CMR 725.035(A)(2) (or its successor regulation). Each License applicant shall submit its home delivery system plans, policies and procedures to the Board of Selectmen, which shall be referred to the Chief of Police, or his or her designee, for review and comment. Issuance of the License may be conditioned upon the applicant’s compliance with any home delivery system measures required or recommended by the Board of Selectmen or the Chief of Police, or his or her designee.
9. The RMD shall obtain all required permits for construction of the area(s) where marijuana is cultivated, including growing- and harvesting-related activities. The RMD shall notify the Board of Selectmen, Police Department, Fire Department, Building Department, and Health Department of the specific location(s) for cultivation of marijuana and the manufacture of any marijuana products (including MIPs).

10. Each License applicant is required to provide the Board of Selectmen with proof of Registration Cards for its Dispensary Agents before a License can be issued.

11. At the time of License application, each License applicant shall certify, under the pains and penalties of perjury, that all Dispensary Agents affiliated with the RMD have had a Criminal Offender Registry Information ("CORT") check conducted by the appropriate state authority and that each said Dispensary Agent maintains a valid registration issued by DPH.

12. Each License Holder shall timely notify the Board of Selectmen of any changes to the number of Dispensary Agents affiliated with the RMD, including copies of the current Registration Cards for any new Dispensary Agents affiliated with the RMD since the issuance of the License. The License Holder shall promptly notify the Board of Selectmen if any Dispensary Agents are no longer affiliated with the RMD or if any Dispensary Agents affiliated with the RMD have had their Registration Cards revoked, suspended, non-renewed or otherwise cancelled for any reason.

13. No applicant is permitted to sell alcohol or tobacco products. The applicant must not be in possession of either a tobacco sales permit or a liquor license issued by the Town.

14. No applicant is permitted to hold a Common Victualler license issued by the Town for on-premises food consumption.

15. In addition to the requirements contained here, any applicant seeking to sell, process, distribute, or dispense edible MIPS must obtain a Food Permit from the Health Department.

16. No applicant is permitted to be a Massachusetts lottery dealer.

17. The fee for a License shall be determined by the Board of Selectmen annually.

18. A separate License is required for each retail establishment selling marijuana and/or marijuana products for an RMD and for each location where marijuana is cultivated for an RMD.

19. Each License shall be displayed in a conspicuous place at each retail establishment for an RMD and at each location where marijuana is cultivated for an RMD.

20. No License Holder shall allow any Dispensary Agent to sell or distribute marijuana or marijuana products until such Dispensary Agent reads this Bylaw, the Act, and the Regulations and signs a statement, a copy of which will be placed on file in the office of the License Holder, that he/she has read said Bylaw, the Act, and the Regulations. The License Holder agrees to produce a copy of each said signed statement upon request by the Town.

21. A License is non-transferable. A new owner of the RMD must apply for a new License. No new License will be issued unless and until all outstanding fees, charges and penalties incurred by the previous License Holder are satisfied in full. The sale, assignment or transfer of the RMD shall cause the License to be automatically terminated.
22. Issuance of a License shall be conditioned on an applicant’s consent to unannounced, periodic inspections of the RMD to ensure compliance with this Bylaw. Such inspections shall be conducted at a minimum of once per year but no more than four (4) times a year. Inspections may be conducted by the Health Department, Police Department, Fire Department, Building Department, Board of Selectmen, or their respective designee(s).

23. Dispensary Agents must present their Registration Card to any law enforcement official or municipal agent who questions said Dispensary Agent concerning their marijuana-related activities.

24. The License shall be conditional on the License Holder complying with all provisions of this Bylaw, the Act, and the Regulations.

25. Applicants agree to maintain a closed-circuit camera system that records all sales transactions, which recording shall be maintained for a minimum period of thirty (30) days. Any recording from the previous thirty (30) day period must be provided to any law enforcement official or municipal agent who requests such recording.

26. The issuance, renewal and holding of a License shall be subject to the provisions of Article XXXVI of the Town By-laws (“Licenses and Permits-Denial, Revocation, or Suspension”). A License will not be renewed if the License Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding License suspensions.

27. Each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD’s operating practices, polices and plans.

28. The RMD shall not create or allow any nuisance conditions from its activities, including but not limited to odors, noise or dust. No odors of marijuana or marijuana products shall be detectable from beyond the property line of the parcel on which the RMD is located.

SECTION D. MARIJUANA SALES BY RMDS

1. No person shall sell marijuana from any location other than at an RMD that possesses a valid License issued by the Town.

2. Required Signage: In addition to any applicable signage requirements, the RMD shall conspicuously post signage at all entrances indicating that entry into the premises of the RMD by persons not possessing a valid Registration Card is prohibited. The signage shall be provided by the Town. The notice shall be no smaller than 8.5” by 11” and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person approaching the RMD.

3. Identification: Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Card Holder.

4. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and shall occur at the licensed location or at the residence of the Card Holder.
5. No person shall distribute, or cause to be distributed, any free samples marijuana or marijuana products.

6. Means, instruments or devices that allow for the redemption of marijuana or marijuana products are prohibited.

7. RMDs are prohibited from using self-service displays.

8. RMDs are prohibited from using vending machines.

9. RMDs are prohibited from using Non-Residential Roll-Your-Own machines.

SECTION E. SALE, DISTRIBUTION, DISPENSING OR TRANSFER OF MARIJUANA

1. The sale, distribution, dispensing, or transfer of marijuana by any person, including Card Holders, outside of the physical structure in which an RMD is located, is prohibited and shall be punishable in accordance with applicable state and local laws.

2. The sale, distribution, dispensing, or transfer of marijuana to persons who are not Card Holders, including Personal Caregivers who are Card Holders, or to persons not authorized under the Act and the Regulations to receive or possess marijuana, shall be punishable in accordance with applicable state and local laws.

SECTION F. MARIJUANA POSSESSION

1. A Card Holder must present his or her Registration Card to any law enforcement official who questions the Card Holder regarding use or possession of marijuana.

2. A Card Holder must not possess an amount of marijuana that exceeds his/her Sixty-Day Supply.

3. The cultivation of marijuana, including growing- and harvesting- related activities, is prohibited except for those persons possessing a valid Hardship Cultivation Registration, for RMDs with a current certificate of registration issued by DPH, or as otherwise authorized by Massachusetts law.

4. Registered qualifying patients or their personal caregiver(s) with a valid Hardship Cultivation Registration shall notify the Board of Selectmen, Police Department, Fire Department, Building Department, and Health Department of the specific location of cultivation and shall obtain all required permits for construction of the cultivation area. Registered qualifying patients or their personal caregiver(s) with a valid Hardship Cultivation Registration shall not create or allow any nuisance conditions from their cultivation activities, including but not limited to odors, noise or dust. No odors of marijuana shall be detectable from beyond the property line of the location for which the Hardship Cultivation Registration has been issued.

5. Upon receipt of registration from DPH, and thereafter on or before January 31 annually, each Card Holder shall register with the Board of Selectmen, Police Department, Fire Department, Building Department, and Health Department.

6. Upon receipt of registration from DPH, and on or before January 31 annually, any person with a Hardship Cultivation Registration shall register with the Board of Selectmen, Police Department, Fire Department, Building Department, and Health Department.
SECTION G. MARIJUANA USE

1. The smoking of any marijuana is prohibited in the same locations governed by the Massachusetts Smoke-Free Workplace Law, Massachusetts General Laws Chapter 270, Section 22, and by any local laws or regulations that further ban or restrict smoking, and shall be subject to the fines and penalties prescribed under the Massachusetts Smoke-Free Workplace Law, Massachusetts General Laws Chapter 270, Section 22, and by any such local laws or regulations.

2. The use of marijuana by all persons, including Card Holders, is prohibited in public schools, on public school grounds, and on public school buses and is subject to Article XXXXII of the Town By-laws ("Public Consumption of Marijuana or Tetrahydrocannabinol").

3. The sale, distribution, dispensing, or transfer of marijuana to persons who are not Card Holders, or to persons otherwise not authorized under the Act and the Regulations to receive or possess marijuana, shall be punishable in accordance with applicable state and local laws.

SECTION H. VIOLATIONS

1. It shall be the responsibility of the License Holder and/or his, her or its business agent, to ensure compliance with all sections of this Bylaw, including but not limited to those sections pertaining to the distribution and sale of marijuana and/or marijuana products. The violator shall receive:
   
a. In the case of a first violation, a fine of three hundred dollars ($300.00).
   
b. In the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of three hundred dollars ($300.00) and the License shall be suspended for seven (7) consecutive business days.
   
c. In the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars ($300.00) and the License shall be suspended for thirty (30) consecutive business days for each subsequent violation or revoked.

2. Refusal to cooperate with inspections pursuant to this Bylaw shall result in the suspension of the License for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any License Holder who engages in the sale or distribution of marijuana or marijuana products while his or her License is suspended shall be subject to the suspension of all Town-issued permits and licenses for thirty (30) consecutive business days.

4. The Town, acting through its Board of Selectmen, shall provide notice of the intent to suspend and/or revoke a License (as applicable), which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The License Holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Selectmen’s decision and the reasons therefor in writing. After a hearing, the Board of Selectmen shall suspend or revoke the License (as applicable) if it finds that a violation of this Bylaw occurred. For purposes of any such suspension or revocation (as applicable), the Board of Selectmen shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana
and marijuana products shall be removed from the RMD upon suspension or revocation of the License (as applicable). Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this Bylaw. A copy of any such suspension or revocation decision (as applicable) shall be provided to DPH.

5. An individual or person who violates Sections F and G of this Bylaw shall be subject to a penalty of one hundred dollars ($100.00) for each violation.

6. The RMD shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, or final action regarding the RMD issued by DPH or other state agency, as applicable, with the Board of Selectmen, Chief of Police, and Board of Health, within forty-eight (48) hours of receipt by the RMD.

7. The issuance of a fine shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Bylaw.

8. In the event of suspension or revocation (as applicable), the License Holder shall not be entitled to a refund of its License application fee.

SECTION I. NON-CRIMINAL DISPOSITION

In addition to the procedure for enforcement as described above, the provisions of this Bylaw may also be enforced by non-criminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violations shall be equivalent to the monetary fines set forth in said Section H.

Each day any violation exists shall be deemed to be a separate offense.

SECTION J. ENFORCEMENT

Enforcement of this regulation shall be by the Town, acting by and through its Board of Selectmen, Health Department, Police Department, Fire Department, Building Department, or their designated agent(s).

Any resident who desires to register a complaint pursuant to this Bylaw may do so by contacting the Board of Selectmen, Health Department, Police Department, Fire Department, Building Department, or their designated agent(s), who shall investigate such complaint.

SECTION K. SEVERABILITY

The provisions of this Bylaw are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction or otherwise held invalid, the remaining provisions shall remain in full force and effect.

ARTICLE 2. To see if the Town will vote to amend the Zoning By-law of the Town of Norwood by adding a new section 7.5, entitled “Medical Marijuana”, as follows, or take any other action in the matter:

SECTION 7.5 MEDICAL MARIJUANA

7.5.1 DEFINITIONS

Independent Laboratory: An independent laboratory that tests marijuana as required by 105 CMR 725.105(C) (or its successor regulation).

Medical Marijuana Treatment Center: a not-for-profit entity registered under 105 CMR 725.100, to also be known as a Registered Marijuana Dispensary (“RMD”), that acquires, cultivates, possesses,
processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, an RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

7.5.2 LOCATION

RMDs and Independent Laboratories shall only be located in the Medical Marijuana Overlay District.

The Town of Norwood has designated two (2) areas as Medical Marijuana Overlay Districts ("MMOD"), which are more particularly described as follows:

**University Avenue Area**

The Medical Marijuana Overlay District ("MMOD") at University Avenue includes all land in the existing Limited Manufacturing (LM) District abutting Downey Street, Everett Street and University Avenue. The MMOD is delineated on a map entitled "Medical Marijuana Overlay District (MMOD) dated April 2, 2014 by Mark P. Ryan – Town Engineer" and on file at the Town of Norwood Engineering Department.

**Vanderbilt Avenue Area**

The MMOD at Vanderbilt Avenue is assigned over certain parcels of land in the existing Limited Manufacturing (LM) District at Vanderbilt Avenue, Morgan Drive and Astor Avenue. The included parcels are depicted on the Town of Norwood Assessors Maps as Map 15, Sheet 8, Lots 1 and 2 also on Map 15, Sheet 11, Lots 44, 45, 62, 63 also on Map 15, Sheet 14, Lots 30, 46, 50, 51, 59, 60, 61, 67, 68 and Map 16, Sheet 8, Lot 4, in effect as of April 2014. This MMOD is delineated on a map entitled "Medical Marijuana Overlay District (MMOD) dated April 3, 2014 by Mark P. Ryan – Town Engineer" and on file at the Town of Norwood Engineering Department.

7.5.3 PURPOSE AND INTENT

It is neither the purpose nor intent of this Section of the Zoning Bylaws to supersede any federal or state laws governing the sale or distribution of narcotic drugs. It is the purpose and intent of this Section of the Zoning Bylaws to provide for the limited establishment of RMDs and Independent Laboratories, as they are authorized by the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and state regulations adopted by the Massachusetts Department of Public Health (or its successor) (collectively, “DPH”) under 105 CMR 725.000, the Implementation of an Act for the Humanitarian Medical Use of Marijuana, in locations suitable for lawful RMDs; to minimize any adverse impacts on adjacent properties, residential neighborhoods, schools, playgrounds and other areas where children congregate, local historic districts, and other areas that are incompatible with such uses; and for the location of RMDs where they may be readily monitored by law enforcement for health and public safety purposes.

7.5.4 APPLICABILITY

1. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an RMD to be established or operated in the Town of Norwood.

2. Compliance with the requirements for a hardship cultivation under 105 CMR 725.000 is required for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or otherwise.
3. No special permit shall be required for the cultivation of marijuana that meets the requirements for an agricultural or horticultural exemption under Massachusetts General Laws Chapter 40A, Section 3.

4. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an Independent Laboratory to be established or operated in the Town of Norwood.

5. No person shall be deemed to have any entitlement or vested rights to permitting under this Section 7.5 of the Zoning Bylaw by virtue of having received any prior permit from the Town of Norwood, including, by way of example only, any zoning permit or any wholesale food manufacturer’s license.

7.5.6 DIMENSIONAL AND OPERATIONAL REQUIREMENTS

1. An RMD must comply with the following dimensional and developmental requirements:
   a. An RMD must have a valid registration issued by DPH.
   b. No RMD shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, another RMD or related activity, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed RMD is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).
   c. No RMD shall be located in any premises for which an alcoholic beverages license has been issued.
   d. No RMD shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
   e. No RMD shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.
   f. An RMD must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No RMD shall be located inside a building containing residential units, including without limitation transient housing such as motels and dormitories.
   g. Hours of operation for any RMD shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
   h. An RMD shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
i. **Signage:**

   i. The exterior signage shall conform to the requirements set forth in 105 CMR 725.105(L).

   ii. Off-site signage in any form, including billboards shall not be allowed in the Town of Norwood.

   iii. External signage for an RMD shall not be illuminated except for a period of thirty (30) minutes before sundown until closing in accordance with 105 CMR 725.105(L).

   iv. No RMD may have any flashing lights visible from the exterior of the premises.

   v. Exterior signs shall identify the name of the RMD as registered with DPH but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.

j. **Physical Appearance:**

   i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

   ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the RMD.

   iii. The RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.

   iv. The RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.

   v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public’s view of the interior from any public or private way or from any abutting property.

k. RMDs may not have a drive-thru service.

l. The disposal of waste shall comply with 105 CMR 725.105(J). Outdoor storage of waste shall be screened with a locking fence.

m. Any and all distribution, possession, storage, display, sales or other distribution of marijuana shall occur only within the restricted interior area of an RMD and shall not be visible from the exterior of the business. An RMD shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible.

n. Consumption, smoking and burning of marijuana on the premises or grounds of any RMD is prohibited, provided however that the RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.

o. Cultivation of medical marijuana, marijuana-infused products, or associated products shall follow the regulations set forth in 105 CMR 725.105(B).
p. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.

2. An Independent Laboratory must comply with the following dimensional and developmental requirements:
   a. No Independent Laboratory shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed Independent Laboratory is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).
   b. No Independent Laboratory shall have a gross floor area in excess of twenty thousand (20,000) square feet.
   c. No Independent Laboratory shall be located in any premises for which an alcoholic beverages license has been issued.
   d. No Independent Laboratory shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
   e. An Independent Laboratory must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No Independent Laboratory shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
   f. Hours of operation for any Independent Laboratory shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
   g. An Independent Laboratory shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
   h. Signage:
      i. Off-site signage in any form, including billboards shall not be allowed.
      ii. External signage for an Independent Laboratory shall not be illuminated except for a period of thirty (30) minutes before sundown until closing.
      iii. No Independent Laboratory may have any flashing lights visible from the exterior of the premises.
      iv. Exterior signs may identify the name of the Independent Laboratory but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.
   i. Physical Appearance:
i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the Independent Laboratory.

iii. The Independent Laboratory shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.

iv. The Independent Laboratory shall not utilize graphics related to marijuana or paraphernalia on the exterior of the Independent Laboratory or the building in which the Independent Laboratory is located.

v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public’s view of the interior from any public or private way or from any abutting property.

j. Independent Laboratories may not have a drive-thru service.

k. The disposal of waste shall comply with 105 CMR 725.105. Outdoor storage of waste shall be screened with a locking fence.

l. An Independent Laboratory shall be designed and constructed such that no area or portion where marijuana is tested, processed or otherwise handled is visible from the exterior; however, the entrance shall be fully visible.

m. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.

7.5.7 SPECIAL PERMIT AND SITE PLAN PROCEDURES

1. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an RMD must include the following information:

   a. The legal name of the RMD.

   b. A copy of the RMD’s certificate of registration to operate an RMD, issued by DPH.

   c. The activities proposed by the RMD.

   d. The identity and location of any other RMDs for which the applicant may cultivate marijuana.

   e. A proposed timeline for achieving operation of the RMD and evidence that the applicant will be ready to operate within that proposed timeline.

   f. A statement indicating the projected service area for the RMD, including the current patient population amounts in that service area.

   g. Evidence that the applicant has adequate liability insurance.

   h. Copy of the detailed written operating procedures as required by DPH in 105 CMR 725.105 and as otherwise required by other applicable law or regulation.
i. A description of the security measures, including employee security policies, required by DPH for the RMD.

j. A copy of the emergency procedures required by DPH for the RMD.

k. A copy of the policies and procedures for patient or personal caregiver home-delivery required by DPH for the RMD.

l. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between the RMD and another RMD or independent testing laboratory as required by DPH.

m. A copy of proposed waste disposal procedures for the RMD.

n. A description of any waivers from DPH regulations granted for the RMD.

o. Details of proposed water consumption for any site that will include cultivation.

p. Evidence of the applicant’s right to use the proposed site of the RMD, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an RMD.

q. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.

r. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of marijuana-infused products.

s. Proposed security measures for the RMD, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

t. A detailed site plan of the proposed RMD, including the distances to the uses set forth in Section 7.5.6.1.b.

u. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.

2. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an Independent Laboratory must include the following information:

a. The legal name of the Independent Laboratory.

b. The activities proposed by the Independent Laboratory.

c. A proposed timeline for achieving operation of the Independent Laboratory and evidence that the applicant will be ready to operate within that proposed timeline.
d. A statement indicating the projected service area for the Independent Laboratory, including the name and contact information for each RMD served by the Independent Laboratory.

e. Evidence that the applicant has adequate liability insurance.

f. Description of the Independent Laboratory’s proposed operating procedures or plans for the following: security measures, including employee security policies or plans; emergency procedures or plans; transportation, transfer, and delivery procedures or plans; and waste disposal procedures or plans.

g. Evidence of the applicant’s right to use the proposed site of the Independent Laboratory, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an Independent Laboratory.

h. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.

i. A detailed floor plan of the premises of the proposed Independent Laboratory that identifies the square footage available and describes the functional areas of the Independent Laboratory, including areas for the testing or processing of any marijuana.

j. Proposed security measures for the Independent Laboratory, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

k. A detailed site plan of the proposed Independent Laboratory, including the distances to the uses set forth in Section 7.5.6.2.a.

l. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.

3. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town’s officials or departments under Section 10.4.4 of the Zoning Bylaw (if any), the Board of Appeals may act upon a special permit for an RMD or an Independent Laboratory under this Section 7.5.7.

4. A special permit under this Section 7.5.7 shall be granted provided that the Board of Appeals finds that the applicant has strictly complied with all of the applicable terms, requirements, conditions, and procedures of Sections 7.5 and 10.4.2 of the Zoning Bylaw.

5. The Board of Appeals, acting as Special Permit Granting Authority, shall attach conditions, limitations and other appropriate safeguards to the special permit. Conditions shall include, but not be limited to:

a. The special permit shall not be assignable or transferable to any other person, and shall remain exclusively with the applicant. The special permit shall terminate
automatically on the date there is a voluntary or involuntary alienation of the
applicant’s title or leasehold interest in the premises or the applicant’s right to occupy
the premises terminates for any reason.

b. The special permit holder shall supply the Board of Appeals and Chief of Police with
information pertaining to any change in the name, telephone number, and email
address for the owner of the building where the RMD or Independent Laboratory (as
applicable) is located and the manager and emergency/after-hours contact for the
RMD or Independent Laboratory (as applicable). The failure of the special permit
holder to comply with this provision shall result in the immediate revocation of the
special permit.

c. The special permit holder shall be required to remove all materials, plants, equipment
and other paraphernalia upon the revocation, abandonment, cancellation, lapse, non-
renewal or termination of the Special Permit for any reason.

d. The Board of Appeals may require the applicant to post a bond at the time of
construction to cover the costs for the removal of the RMD or Independent Laboratory
(as applicable) in the event the Town of Norwood must remove the RMD or
Independent Laboratory (as applicable), in an amount to be determined by the Board
of Appeals.

e. No later than January 31 annually, the special permit holder shall file a copy of all
current applicable state and local licenses and registrations, any updates to its
operating policies, the current insurance policies, and demonstrated compliance with
the conditions of the special permit.

f. If the special permit is issued for an RMD:
   i. In the event DPH cancels, revokes or non-renews the certificate of registration
      for the RMD, the special permit for that RMD shall immediately become void.
   ii. The RMD shall file a copy of any Incident Report required under 105 CMR
       725.110(F) with the Board of Appeals, Chief of Police, and Board of Health,
       within twenty-four (24) hours of creation. Such reports may be redacted as
       necessary to comply with any applicable state or federal laws and regulations.
   iii. The RMD shall file a copy of any summary cease and desist order, cease and
desist order, quarantine order, summary suspension order, order limiting sales,
deficiency statement, plan of correction, notice of a hearing, final action, or
other adverse actions or decisions regarding the RMD issued by DPH or taken
or rendered by any other state or government agency, as applicable, with the
Board of Appeals, Chief of Police, and Board of Health, within forty-eight
(48) hours of receipt by the RMD.

g. If the special permit is issued for an Independent Laboratory, the Independent
Laboratory shall file a copy of any adverse actions or decisions taken or rendered by
DPH or any other state or government agency, as applicable, against the Independent
Laboratory, including but not limited to a cease and desist order, enforcement order, or
disciplinary order.

h. Applicants shall be required to follow the current regulations set forth in 105 CMR
725.000 and the current requirements of Section 7.5 of the Zoning Bylaw.
A special permit issued under this Section of the Zoning Bylaw may be valid for a specific time as determined by the Board of Appeals, subject to being renewed upon further application.

7.5.8 CONFLICT OF LAWS/SEVERABILITY

1. In the event of any conflict between the provisions if this Section of the Zoning Bylaw and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.

2. The provisions of this Section of the Zoning Bylaw are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction or otherwise held invalid, the remaining provisions shall remain in full force and effect.

ARTICLE 3. To see if the town will vote to amend the Norwood zoning by-law by making the following changes thereto or do what it will do in relation thereto.

Item 1. At the end of the list of Overlay Districts in Section 2.2, add the following new entry:
Plimpton Press Smart Growth Overlay District

Item 2. Add the following new Section 9.7:

SECTION 9.7: PLIMPTON PRESS SMART GROWTH OVERLAY DISTRICT (P-POD)

9.7.1 PURPOSE

The purpose of this Section is to establish the Plimpton Crossing Smart Growth Overlay District (P-POD) and to encourage smart growth in accordance with the purposes of M.G.L. Chapter 40R and its regulations, 760 CMR 59.00, and to foster housing opportunities proximate to restaurants, shopping and services in downtown Norwood, while allowing for redevelopment of underutilized industrial sites or buildings that are easily accessible to public transportation and maximize pedestrian connections. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities, including housing situated to facilitate pedestrian or public transit modes of transportation;

2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;

3. Increase the production of a range of housing units (type, size and location) to meet existing and anticipated housing needs;

4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;

5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;

6. Establish development standards to allow context-sensitive design and creative site planning in the reuse of existing buildings and/or reuse of previously developed sites;

7. Minimize the negative fiscal impact on the Municipality that might otherwise result from foreseeable as-of-right development, by facilitating more favorable impacts from positive economic development opportunities; and,
8. Enable the Municipality to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and G. L. Chapter 40S arising from the development of housing in the Smart Growth Overlay District.

9.7.2. DEFINITIONS
For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section, or as set forth in the rules and regulations of the Plan Approval Authority ("Regulations"). To the extent that there is any conflict between the definitions set forth in this Section or the Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

**Affordable Homeownership Unit** - an Affordable Housing Unit required to be sold to an Eligible Household.

**Affordable Housing Unit** – an Affordable Housing unit required to be rented or sold to an Eligible Household.

**Affordable Housing** - housing that is affordable to and occupied by Eligible Households. Affordable Housing units created within the P-POD meeting the standards set out in Sections II.A.1-3, III, VI.B.4-9, E of the Department’s guidelines for the Subsidized Housing Inventory shall count as low- or moderate income units on the Subsidized Housing Inventory, subject to the approval of the Massachusetts Department of Housing and Community Development (DHCD).

**Affordable Housing Restriction** - a deed restriction for Affordable Housing meeting the statutory requirements of M.G. L. c. 184, Section 31.

**Affordable Rental Unit** - an Affordable Housing unit required to be rented to an Eligible Household.

**Applicant** – the individual or entity that submits a Project for Plan Approval.

**As-of-right Unit** - a unit of housing is developable As-of-right if it may be developed under the Underlying Zoning or Smart Growth Zoning without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. Units that require Plan Review shall be considered an As-of-right, subject to review and approval by the Department of the proposed Smart Growth Zoning and Design Standards under 760 CMR 59.00.

**Commercial Uses** – Non-residential uses that are accessory to the housing development, such as first floor retail or services.

**Department or DHCD** – means the Massachusetts Department of Housing and Community Development (DHCD) or any successor agency.

**Design Standards** – means provisions of Sections 9.7.9 and 9.7.10 made applicable to Projects within the P-POD that are subject to the Plan Approval process.

**Developable Land** – means all land within a District that can be feasibly developed into residential or Mixed-Use Development Projects. Developable Land shall not include:
(a) Substantially Developed Land;
(b) Open Space;
(c) Future Open Space;
(d) the rights-of-way of existing public streets, ways, and transit lines;
(e) land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
(f) areas exceeding one-half acre of contiguous land that are:
1. protected wetland resources (including buffer zones) under federal, state, or local laws;
2. rare species habitat designated under federal or state law;
3. characterized by steep slopes with an average gradient of at least 15%; or
4. subject to any other local ordinance, by-law, or regulation that would prevent the development of residential or Mixed-Use Development Projects at the As-of-right residential densities set forth in the Smart Growth Zoning.

Notwithstanding the above, land area that is converted to public use and/or ownership as a part of a Project shall be included in the Developable Land area.

**Eligible Household** - an individual or household whose annual income is less than eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, as published annually by HUD, with income computed using HUD's rules for attribution of income to assets, if applicable.

**Enabling Laws** - G. L. Chapter 40R and 760 CMR 59.00 as they may be amended from time to time.

**Mixed-Use Development** - means a Project containing a mix of some or all of multi-family residential, 2 and 3 family residential, or single-family residential uses, together with commercial, institutional, industrial, or other non-residential uses, so long as the applicable residential densities set forth in 760 CMR 59.04(1)(d). apply to the Mixed-Use Development Project. See 760 CMR 59.04(1)(d). Not more than 10% of the building floor area may be used for non-residential purposes.

**Monitoring Agent** – the local housing authority or other qualified housing entity designated by the PAA pursuant to Section 6.6, to review and implement the Affordability requirements affecting Projects under Section 6.

**Multi-family residential use** - means apartment or condominium units in buildings that contain or will contain more than three such units, provided that the Smart Growth Zoning may treat attached townhouses on separate lots as single-family residential use. See 760 CMR 59.04(1)(d).

**PAA Regulations** – in addition to the provisions to this Bylaw Section 9.7, the PAA may adopt corresponding rules and regulations in order to implement this Bylaw, provided such Regulations are approved by DHCD.

**Plan Approval** - standards and criteria which a Project in the P-POD must meet under the procedures established herein and in the Enabling Laws.

**Plan Approval Authority (PAA)** – For purposes of reviewing Project applications and issuing Plan Approval on development Projects within the P-POD, the Norwood Planning Board shall be the unit of municipal government designated Plan Approval Authority authorized to review projects and issue site Plan Approvals to implement a Project under M.G.L. 40R §11.

**P-POD** – the Plimpton Press Smart Growth Overlay District, the Smart Growth Overlay District established in accordance with this Section 9.7.

**Project** – means a residential or Mixed-Use Development undertaken within a District in accordance with the requirements of the Smart Growth Zoning. Within the boundaries of the P-POD, a developer may elect either to develop a Project in accordance with the requirements
of the Smart Growth Zoning, or to develop a project in accordance with the requirements of the Underlying Zoning. See 760 CMR 59.04(1)(f).

Recreational Uses - Active and passive recreational uses, including but not limited to public or residential community amenities such as pools, ball fields, pocket parks, walking or bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

Smart Growth – means a principle of land development that furthers, on balance, the goals set forth in M.G.L. c.40R §1 and 760 CMR 59.01.

Zoning By-law - The Zoning By-law of the Town of Norwood.

9.7.3. OVERLAY DISTRICT

1. Establishment. The Plimpton Press Smart Growth Overlay District, hereinafter referred to as the P-POD, is an overlay district having a land area of approximately 7.73± acres located on Lenox Street and Plimpton Avenue, Norwood as shown on a plan entitled "Plimpton Press Overlay District" prepared by Alan & Major Associates, Inc. dated October 22, 2013. This map and accompanying metes and bounds description are hereby made a part of the Zoning By-law and are on file in the Office of the Town Clerk.

2. Maximum Residential Density. The maximum as of right density shall be thirty-one (31) dwelling units per acre; partial unit calculations may be rounded up. This density may not be waived.

3. Underlying Zoning. The P-POD is an overlay district superimposed on all underlying zoning districts. Where the P-POD varies the use or dimensional regulations otherwise set forth in the Zoning By-law, the provisions of the P-POD shall control in the event of any Plan Approval issued pursuant to this Section. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the P-POD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

4. Waiver Authority. The PAA shall have the authority to waive or modify the dimensional standards of this Section, provided it determines doing so is appropriate to the project proposal, site plan and location, provided such waiver or modification does not reduce the as of right density approved by DHCD nor modify the affordability provisions of this bylaw. Notwithstanding this paragraph, the PAA shall have no authority to waive the density standard that would result in an increased density.

9.7.4. APPLICABILITY OF P-POD

In accordance with the provisions of the Enabling Laws, an Applicant for a Project located within the P-POD may seek Plan Approval in accordance with the requirements of this Section. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such application shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits. When a building permit is issued for any Project approved in accordance with this Section 9.7, the provisions of the underlying district(s) shall no
longer be applicable to the land shown on the site plan which was submitted pursuant to Section 9.7 for such Project.

9.7.5. PERMITTED USES

Subject to the provisions of Section 9.7.4, above, the following uses are permitted as of right in the P-POD and may be approved by the Plan Approval (permit granting) Authority under the Plan Approval provisions of this section.

1. Multifamily Residential Use;

2. Non-residential uses including retail, office, restaurant, fitness facilities, and personal services consistent with supporting a residential community and in character with existing and/or desirable downtown uses. Such non-residential uses shall be limited to 2,500 sf by right per retail shop or service and 7,000 sf per restaurant. Non-residential uses, except office, shall typically be located only at ground level, and shall not comprise more than 10% of the total building area.

3. Parking, including surface, garage-under, and structured parking (e.g., parking garages);

4. Open space and Recreational Uses, including town center/urban style public spaces in addition to traditional green space;

5. Accessory uses customarily incidental to any of the above permitted uses; and

9.7.6. HOUSING AND HOUSING AFFORDABILITY

1. Marketing Plan. Prior to the grant of Plan Approval by the PAA for housing within the P-POD, an Applicant for such approval must submit a narrative document that establishes that the proposed development of housing is appropriate to provide for diverse populations within the community, including individuals and households with children, disabilities, and/or the elderly. In addition, a marketing plan shall be submitted that describes how the Affordable Housing Units will be marketed to Eligible Households. These documents in combination, to be submitted with a Site Plan application pursuant to Section 1, below, shall include details about construction related to the provision, within the development, of units (if any) that are accessible to the disabled.

2. Number of Affordable Housing Units. Not less than twenty-five percent (25%) of housing units constructed in each Project and the P-POD as a whole shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within the P-POD, any fractional unit of one-half (½) or greater shall be deemed to constitute a whole unit. It is the intention that all of the housing units constructed in the P-POD shall be included in the Department’s Subsidized Housing Inventory.

3. Requirements. Affordable Housing shall comply with the following requirements:

a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household assuming a household size equal to the number of bedrooms plus one, unless other affordable program rent limits approved by the DHCD shall apply.

b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms plus one.
c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

d. The P-POD shall not include the imposition of restrictions on age upon the entire district, but the development of specific Projects within the district may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

e. There shall be a local preference applied in the selection of residents for a Project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project.

4. Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be equitably dispersed throughout the development of which they are part, proportionately across all unit types, and be comparable in initial construction quality and have exteriors that are equivalent in design and materials to the exteriors of other housing units in the development. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

5. Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the information indicated in this Section 9.7.6.5 of the Norwood Zoning Bylaw for the P-POD:

a. Specification of the term of the Affordable Housing Restriction which shall be perpetual;

b. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;

c. A description of the unit of Affordable Housing by address and number of bedrooms;

d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preference in the selection of residents for a Project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

e. A requirement that residents will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

g. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a
commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders as reasonably determined by the DHCD;

h. A requirement that only an Eligible Household may reside in an Affordable Housing unit and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;

i. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;

j. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent, the municipality, and/or a non-profit organization acceptable to the DHCD, in a form approved by municipal counsel, and shall limit initial sale and re-sale to occupancy by an Eligible Household;

k. Provision that the restriction on an Affordable Rental Unit shall run in favor of the Monitoring Agent, the municipality, and/or a non-profit organization acceptable to the DHCD, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

l. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and

m. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6. Monitoring Agent. A Monitoring Agent which may be the Local Housing Authority, a regional non-profit housing agency, an affordable housing trust or other qualified housing entity shall be designated by the PAA. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;

c. The housing marketing and resident selection plan, including the location and unit-type mix of the Affordable Housing Units relative to all units within the Project, has been submitted to and received approval from the Department’s 40R Program staff and otherwise conforms to all requirements and is properly administered;

d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;

e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Norfolk County Registry of Deeds; and
f. If Local Preference is permitted as part of DHCD’s approval of the marketing and tenant selection plan for a specific Project and subject to any conditions as part of such approval, the Monitoring Agent shall make all determinations as to resident status for the local preference.

7. Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (½ %) of the amount of rents of Affordable Rental Units (payable annually) or one percent (1%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

8. Age Restrictions. The P-POD shall not include the imposition of restrictions on age upon the entire District, but, if proposed by the corresponding Applicants, the development of specific Projects within the District may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

9. Twenty-Five Percent Requirement. Not less than twenty-five percent (25%) of all residential units constructed within a P-POD Project shall be reserved as Affordable Housing Units, and the PAA may require as a condition to approval of the Project for such housing development that recordable instruments be prepared and recorded to ensure that the total number of Affordable Housing Units constructed in the District equals not less than twenty-five percent (25%) of the total number of all units constructed as part of Projects within the P-POD.

10. Segmentation. The PAA may require that certificates of occupancy be withheld for any housing units if it believes that the development of housing Projects is being segmented to evade the size threshold for affordability.

11. Phasing. For housing that is approved and developed in phases, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as described in 760 CMR 59.04 1(h)) shall not be less than twenty-five percent (25%) in any single phase.

12. Computation. Prior to the granting of any Building Permit for the housing component of a Project, the Applicant for such building permit must demonstrate, to the satisfaction of the PAA, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

13. No Waiver. Notwithstanding anything to the contrary herein, the Density and Affordability provisions in this Section shall not be waived.

9.7.7. HEIGHT, BULK AND SCALE STANDARDS

Notwithstanding anything to the contrary in the Zoning By-law, the dimensional requirements applicable in the P-POD are as follows. The PAA may waive these standards in accordance with Section 9.7.3.4 in cases where existing structures shall be preserved, or where the PAA otherwise deems it appropriate to the Project and the neighborhood.
<table>
<thead>
<tr>
<th>Maximum Density</th>
<th>31 residential units per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area: Multifamily</td>
<td>800 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>Height</td>
<td>55 ft. (four stories)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Maximum Building Lot Coverage</td>
<td>80%</td>
</tr>
<tr>
<td>Minimum Open Space</td>
<td>20% including urban plazas, pedestrian walkways, rooftop green space, etc.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>No Limit</td>
</tr>
</tbody>
</table>

**9.7.8. PARKING REQUIREMENTS**

The following parking shall be provided within the P-POD.

Dwelling: Two (2) parking spaces per dwelling unit with more than one (1) bedroom. One (1) parking space per dwelling unit with one (1) bedroom or less. Parking spaces may be parked in tandem if reserved for a particular unit and may be constructed at grade, above or below ground.

Service/Retail/Office: One (1) parking space per 250 square feet of gross floor area on the ground plus one space per 400 sf gross floor area on other floors, but not fewer than three (3) spaces per separate business enterprise.

Restaurant: One (1) parking space for every three (3) restaurant seats.

Notwithstanding the above, the PAA may grant a waiver of these requirements where the project proponent provides supportable evidence that a lesser amount of parking will be sufficient to serve the intended uses. Such instances might include, but are not limited to, cases where such uses have complimentary peak parking demand periods.

**9.7.9. DISTRICT DESIGN STANDARDS**

In order to ensure high-quality construction and design details that respect the architectural features and character of the neighborhood, the following design standards and guidelines are established. These standards and guidelines are intended to be applied flexibly by the PAA to enable the purpose of this District to be realized.

**A. SITE PLANNING**

1. **Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open spaces including courtyards, public sidewalks, and visual integration of the site to the surrounding neighborhood.
   a. Maintain or increase existing building setbacks to preserve building context.
   b. Create a courtyard-style open space that is visually and functionally accessible to the public view.
   c. Where practicable retain existing trees and plantings or introduce such plantings where currently lacking.
d. Projects located in the Town Center shall highlight opportunities for public use of sidewalks, pedestrian connections, micro-parks, and urban style amenities.

2. Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.
   a. Preserve and enhance the pedestrian environment by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access and parking
   b. Limit the number of driveways that enter or exit over the main frontage sidewalks.
   c. Adequately screen surface parking areas facing streets and adjacent properties from view by use of plantings or landscape structures.
   d. Parking areas shall be setback from street lines and property lines a minimum of five feet (5’), except for on-street parking and instances where existing lots or structures provide for less than five feet.
   e. Multi-purpose parking areas paved with unit pavers are encouraged in areas that serve both parking and public open space needs.

B. ARCHITECTURAL ELEMENTS AND MATERIALS

1. Buildings. Building renovations should seek to retain historic character and/or significant architectural features. New construction should be compatible with the architectural style of the neighborhood and massing should be suitable for the location. Building construction/renovation shall accommodate the need to introduce new elements for circulation, entrances, light and air for residential units and/or neighborhood homes.
   a. Architectural elements that add interest, relief to long facades or otherwise aid in integrating the new construction with the existing neighborhood are encouraged.
   b. High quality materials, such as wood, porcelain tile, and granite should be used for residential unit interiors.
   c. Doors and windows shall be of high quality wood, metal or vinyl clad windows that meet or exceed the minimum thermal resistant requirements of the Massachusetts State Building Code. The design, layout and color of doors and windows should be compatible with the style and character of the existing neighborhood.

2. Ground Floor.
   a. Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials.
   b. Ground floors may be used for non-residential uses.

3. Rooftops. Rooftop building systems (i.e., mechanical and electrical equipment, antennas) should be screened from key observation points by integrating them into the building design with parapets, screens or other methods. Rooftops may be used for rooftop gardens or other amenities to serve the residential units.

4. Distinctive Features. Illuminate distinctive features of the building including entries, signage, canopies, and areas of architectural detail and interest. Encourage pedestrian scale pole lights along streets and walks.
C. EXTERIOR FINISH MATERIALS

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

1. Consider each building as a high-quality, long term addition to the area; exterior design and materials should exhibit permanence and quality appropriate to the neighborhood.

2. Use materials that are consistent with the existing or intended neighborhood character, including wood shingles, clapboard, quality low-maintenance cement plank siding, brick, cement plaster stucco and stone.

3. Provide operable windows of high quality metal or vinyl clad wood framed windows that meet or exceed the minimum thermal resistant requirements of the Massachusetts State Building Code. The design, layout and color of doors and windows should reflect the style and character of the existing buildings.

4. Finish materials that are susceptible to staining, fading or other discoloration are strongly discouraged, except where such is an intended quality of the material such as copper.

D. PEDESTRIAN ENVIRONMENT

1. Pedestrian Open Spaces and Entrances. Convenient and attractive access to building entrances should be provided to ensure comfort and security. Paths and entry areas should be sufficiently lighted and building entrances should be protected from the weather.
   
   a. Provide opportunities for creating lively, pedestrian-oriented open space/gathering space where feasible.
   
   b. Provide features such as entryways that link buildings to the surrounding landscape.

2. Screening of Dumpsters, Utilities and Service Areas. All utilities shall be underground.
   
   a. All dumpsters, utilities, mechanical equipment and service areas should be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.

3. Lighting.
   
   a. Consider pedestrian-scale lighting, such as twelve foot (12’) to fifteen foot (15’) high poles or bollard fixtures.
   
   b. Architectural lighting should complement the architecture of the structure including transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach.
   
   c. Fixtures that produce glare or that spill light to adjoining sites, such as “wallpacks,” are discouraged.
   
   d. Installation of pedestrian light fixtures as part of a development’s sidewalk improvements is strongly encouraged. The style of light fixture should be consistent with the preference identified by the Town of Norwood.
9.7.10. GENERAL DESIGN STANDARDS

1. Lighting.
   a. Applicability. The following limitations should be observed by all new exterior lighting installations, except those illuminating a right way, or up to two (2) security lights on any premises.
   b. Lighting Installations. Exterior area lighting, such as for parking lots or recreation areas, and building flood lighting shall employ fixtures of a type, height, location, brightness and direction such that light sources are not exposed to normal view from any adjacent dwellings or traveled ways. Light overspill onto adjacent premises shall not exceed one-half (½) foot candles measured in residential districts or three (3) foot candles in nonresidential districts, except that if the ambient level exceeds that, then overspill shall not be such as to produce shadows observable without instruments.
   c. Lighting Plan. An exterior lighting plan is required for application proposing in aggregate more than 5,000 watts of exterior lighting, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting illumination levels.
   d. Departures. Departure from the above requirements may be authorized on special permit, upon determination by the PAA that either it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, or that the installation involves no more than two (2) luminaires, and that all reasonable efforts have been made to avoid glare or light overspill onto streets or residential premises.

2. Landscaping and Screening.
   a. Applicability. Off-street parking areas and buffer strip landscaping and screening shall be provided as specified below when any new building, addition, or change of use requires a parking increase of seven or more spaces, except for structured parking (parking garages or underground parking).
   b. Plantings. Required plantings (or tree preservation) shall include both trees and evergreen shrubs. To be credited towards meeting these requirements, trees must be two and one-half inches (2 ½") in diameter at breast height. Be of a species common to the area, and reach an ultimate height of at least thirty feet (30'). Credited shrubs must be at least thirty inches (30") in height at the time of planting, reach an ultimate height of at least four feet (4') (except where lower height is necessitated for egress visibility as determined by the inspector of buildings) and be of an evergreen species common in the area.
      Plantings shall average at least one (1) tree per forty linear feet (40') of planting area length and at least one (1) shrub per three five feet (5'). Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be located wholly within the lot.
   c. Street Plantings. Plantings are required along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings shall be located within fifteen feet (15') of the street property line.
   d. Parking Area Plantings. A minimum of two percent (2%) of the interior area of surface parking lots containing thirty (30) or more spaces must be planted. A minimum of one (1)
tree and four (4) shrubs exclusive of any required perimeter plantings must be planted for every five (5) parking spaces. Planting areas must each contain not less than thirty (30) square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

e. Buffer Strip Plantings. Plantings shall be provided in required buffer strips and for any premises along the full length of any boundary abutting or extending into a residential district (excepting only renovation of existing structures that do not provide such an opportunity). Required plantings shall be located adjacent to the property line to create a physical and visual break between the development premises and nearby residential uses.

f. Screening. Screening is required to obscure visibility from beyond the boundaries of the premises in residential districts for parking areas of seven or more spaces, if otherwise visible within fifty feet (50') of the lot line at normal eye level. Screening may be comprised of shrubs, trees, fence, berms and walls as appropriate to the specific situation.

g. Existing Vegetation. Whenever possible, the above requirement shall be met by retention of existing plants. Preservation of existing trees of six inches (6") caliper or greater (measured four feet (4') above grade), and dense hedgerow of four or more feet (4') in both depth and height is strongly encouraged.

h. Maintenance. All plant materials required by this bylaw shall be maintained in healthful condition. Dead limbs shall be promptly removed and dead plants shall promptly be replaced at the earliest appropriate season. Any fences required for screening shall be properly maintained.

i. Nonconforming landscaping and screening.

i. Continuation of existing conditions. Any improvement along the property boundary, including landscaping, screening, and fencing, legally erected and conforming to the requirements of this bylaw when so erected, may continue to be maintained, even though as a result of changes to this bylaw the boundary improvements no longer conform to its requirements.

ii. Change. Such boundary improvements shall not be enlarged, redesigned, or altered except as to make them conform or come closer into conformance to said requirements. Any such boundary improvements which have been destroyed or damaged to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement value of the boundary improvements at the time of destruction or damage, shall not be repaired, rebuilt, or altered, except to conform to the requirements of this bylaw.

iii. The exemption for nonconforming landscaping and screening herein granted shall terminate with respect to any boundary improvements which (1) shall have been abandoned or (2) shall not have been repaired or properly maintained for at least sixty days after notice to that effect has been given by the inspector of buildings.

4. Environmental Protection Requirements.

a. Storm Water Management. The design and construction of stormwater management systems for development subject to Development Plan Review will be consistent with the following:
i. Discharging untreated stormwater runoff directly into rivers, streams, watercourses, or increasing the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited.

ii. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.

iii. Storm runoff shall be routed through structural and nonstructural systems designated to increase time of concentration, decrease velocity, increase infiltration, and allow suspended solids to settle and remove pollutants. These systems shall utilize subsurface infiltration as the primary technique to treat runoff and shall be designed to remove eighty percent (80%) of the annual average bad (post-development conditions) of Total Suspended Solids (TSS).

iv. When in the opinion of the Town Engineer subsurface infiltration of runoff is deemed infeasible because of soil conditions, retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat runoff. However, there shall be a minimum of two feet (2') of naturally occurring solids between the basin bottom and the ground water table.

v. Storm management systems shall have an operation and maintenance plan to ensure that systems functions as designed.

b. Erosion Control.

i. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving, or other means of eliminating wind or water erosion. The inspector of buildings may require that a performance bond be posted in an amount sufficient to assure completion of such work.

ii. All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership, and for developments exposing 20,000 to 60,000 square feet of bare earth in areas having existing slopes in excess of ten percent (10%), highly erodible soils, or other conditions determined by the inspector of buildings to necessitate such a plan. Such a plan shall have sufficient information on existing and proposed topography, vegetation, and control measure to allow determination of compliance.

(1) Stripping of vegetation, regrading, or other development shall be done in a way which will minimize soil erosion.

(2) Whenever practical, trees and other natural vegetation shall be retained, protected, and supplemented.

(3) The disturbed area shall be kept to a minimum.

(4) Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.

(5) Sediment basins (settlement basins, catch basin protection or silt traps) shall be installed and maintained where necessary to remove sediment from stormwater runoff from land undergoing development.
(6) A ground cover sufficient to retain erosion must be planted or otherwise provided within thirty (30) working days, season permitting, on any portion of the tract upon which further active construction is not to be undertaken.

(7) The development plan or land-disturbing activity shall be fitted to the topography and soils so as to minimize erosion potential.

iii. The inspector of buildings or the PAA may require a report on the erosion control proposals by the Soil Conservation Service or other expert on soil mechanics in cases where doubt as to adequacy of proposed measures shall, unless otherwise specified, be consistent with Guideline for Soil and Water Conservation in Urbanizing areas of Massachusetts, USDA Soil Conservation Service, 1975.

c. Tree Protection. Location and design shall not cause avoidable removal or damage to any tree exceeding twelve-inch (12") trunk diameter four and one-half feet (4 1/2") above grade.

9.7.11. SIGNAGE

9.7.12. Number, Size and Type. Signs are permitted in accordance with Zoning bylaw section 6.2. Notwithstanding Section 6.2, the PAA may allow multiple signs to identify entrances to the residential units as well as individual signs for non-residential uses (if any) included within the buildings.

9.7.12. APPLICATION FOR PLAN APPROVAL

1. Required Submittals. The application for Plan Approval shall be accompanied by the following plans and documents. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1" = 40') or larger, or at a scale as approved in advance by the PAA, and shall show the following.

a. The perimeter dimensions of the lot(s) comprising the site locus; Assessors Map, lot and block numbers.

b. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.

c. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).

d. All facilities for sewage, refuse and other waste disposal and for surface water drainage.

e. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.

f. Existing major natural features, including streams, wetlands and all trees six inches (6") or larger in caliper (caliper is girth of the tree at approximately chest height).

g. Scale and North arrow (minimum scale of one inch equals 40 feet (1" = 40')).

h. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
i. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.

j. The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one (1) bedroom units, two (2) bedroom units, etc.).

k. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the Applicant).

l. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).

m. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated.

n. Developer’s (or his representatives’) name, address and phone number.

o. Any other information which may include traffic, school, tax, or utility impacts in order to adequately evaluate the scope and potential impacts of the proposed project.

2. Rehabilitation Plan. If all or portions of a building is to be rehabilitated and converted into a dwelling unit or units, in addition to the required site plan (or included as part of the plan set), nine (9) copies of the following described plans shall be furnished.

a. A floor plan of each floor on which remodeling/building reuse is to occur;

b. A floor plan showing the stairways, halls, door openings into the halls and exit doors of each floor or floors where remodeling or converting is to be done; and

c. An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each plan shall be eleven inches (11”) by seventeen inches (17”) or larger and shall be drawn to scale one-quarter inch equals one foot (1/4” = 1’).

3. Records. All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the Applicant.

9.7.13. PROCEDURES

1. Filing. An Applicant for Plan Approval shall file 15 copies of the application form and other required submittals and also file forthwith a copy of the application form including the date of filing with the Town Clerk. The PAA may allow for a portion of the submitted application materials to be electronic.

2. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within sixty (60) days of its receipt of a copy of the plan and application for approval.

3. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G. L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within one hundred twenty (120) days of the receipt of the
application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. Peer Review. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G. L. c. 44, s. 53G. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant.

9.7.14. DECISION

1. Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive all dimensional and other requirements of the zoning subject to compliance with M.G.L. c. 40R and 760 CMR 59.00, with the exception of allowable density and affordability requirements, including the design standards of Section 9.7.10, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the P-POD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

2. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

3. Plan Approval. Plan Approval shall be granted where the PAA finds that:
   a. the Applicant has submitted the required fees and information as set forth in the Regulations/this Bylaw;
   b. the Project and site plan meet the requirements and standards set forth in this Section, or a waiver in accordance with Section 9.7.3.4 has been granted therefrom; and
   c. any potential extraordinary adverse impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 9.7.6, compliance with condition (b) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 9.7.14.3, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

4. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:
   a. the Applicant has not submitted the required fees and information as set forth in the Regulations/this Bylaw;
   b. the Project and site plan do not meet the requirements and standards set forth this Section, and a waiver has not been granted therefrom; or
   c. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.
5. **Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

9.7.15. **CHANGE IN PLANS AFTER APPROVAL BY PAA**

1. **Minor Change.** After Plan Approval, an Applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the necessity of a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

2. **Major Change.** Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

Legal Description
Plimpton Press Smart Growth Overlay District

Containing approximately 336,716 (7.73± acres) located on Lenox Street and Plimpton Avenue, Norwood as shown on a plan entitled “Plimpton Press Overlay District” prepared by Alan & Major Associates, Inc. dated October 22, 2013 and bounded and described as follows:

- **Southerly:** by Plimpton Avenue 100.00 feet;
- **Easterly:** by land now or formerly of Velazquez 81.06 feet;
- **Southerly:** by land now or formerly of Velazquez, Celeste Realty Trust, Bratsis, Flaherty, Belachew, Mazzotta, and Glynn Realty Trust a distance of 354.68 feet;
- **Easterly:** by land now or formerly of Dalton, Lombardi 2007 Revocable Trust, Bui, Gearty, Rock Street, and Tobin, on three courses 303.20 feet, 41.78 feet, and 99.30 feet;
- **Southerly:** by land now or formerly of Tobin 15.01 feet;
- **Easterly:** by land now or formerly of Tobin and Norwood Plaza Limited Partnership 60.11 feet;
- **Westerly:** by land now or formerly of New York, New Haven & Hartford Railroad Company 735.11 feet;
- **Southerly:** by land now or formerly of Plimpton Park Real Estate Trust 194.15 feet; and
- **Westerly:** by land now or formerly of Plimpton Park Real Estate Trust 152.00 feet.
ARTICLE 4. To see if the Town will vote to notify the Department of Developmental Services of the Town's support of Appeal #SPR 14/176 filed by Attorney Daniel C. Hill on behalf of Mr. Brian Hardiman, based on the paramount public need for the requested information about Department of Developmental Services properties within the Town of Norwood which may be used to help calculate whether Norwood has reached, or may reach, the statutory minima under Massachusetts General Laws Chapter 40B, to wit, whether at least one-and-a-half percent of its land area is occupied by "low or moderate income housing."

On petition of Conor R.K. Kenney, District Nine Town Meeting Member.

ARTICLE 5. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Public Works Snow & Ice Removal account and for the School Department Snow Removal account, or take any other action in the matter.

ARTICLE 6. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for Public Works Overtime, or take any other action in the matter.

ARTICLE 7. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Public Works Garage Maintenance account, or take any other action in the matter.

ARTICLE 8. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Veterans Incidental - Direct Relief and Medical Expenses, or take any other action in the matter.

ARTICLE 9. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Police Department Incidents, Telephone and Transportation accounts, or take any other action in the matter.

ARTICLE 10. To see if the Town will vote to transfer and appropriate unexpended prior fiscal year School Department funds, identified by the School Department as no longer required for their original purposes, to the current F.Y. 2014 School Department operating budget, or take any other action in the matter.

ARTICLE 11. To see if the Town will vote to transfer and appropriate unexpended funds surplus to the needs of the Fiscal Year 2014 Interest and Debt budgets to the F.Y. 2014 School Department operating budget, or take any other action in the matter.

ARTICLE 12. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for a Special Education Legal Judgment, or take any other action in the matter.

ARTICLE 13. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for unanticipated School Department expenses, or take any other action in the matter.

ARTICLE 14. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for Broadband Programming and ISP Connectivity Expenses, or take any other action in the matter.

ARTICLE 15. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Treasurer & Collector's Salaries and Incidentals accounts, or take any other action in the matter.
ARTICLE 16. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for the Medicare account, or take any other action in the matter.

ARTICLE 17. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for Retired Police and Fire Medical Expenses, or take any other action in the matter.

ARTICLE 18. To see what sum of money the Town will vote to transfer from surplus revenue or other available funds and appropriate for Unpaid Bills, or take any other action in the matter.

ARTICLE 19. To see what sum of money the Town will vote to raise by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise and appropriate for the rehabilitation and/or reconstruction of sewer mains and appurtenances, including service connections, or take any other action in the matter.

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to accept a grant and non-interest bearing loan from the Massachusetts Water Resources Authority, in accordance with the rules and regulations of the MWRA’s Infiltration and Inflow Removal Local Financial Assistance Program, and to appropriate said funds for repair and rehabilitation of the sewer system; and further, to see if the Town will vote to authorize the Treasurer to borrow the loan amount from the Massachusetts Water Resources Authority; and to authorize the Board of Selectmen to expend said sums for said purpose; or take any other action in the matter.

ARTICLE 21. To see what sum of money the Town will vote to borrow at no interest from the Massachusetts Water Resources Authority, in accordance with the rules and regulations of the MWRA’s Local Water System Assistance Program, and appropriate for the rehabilitation and replacement of water mains and related expenses, and for other water system improvements; and further, to see if the Town will vote to authorize the Treasurer to borrow the loan amount from the Massachusetts Water Resources Authority; and to authorize the Board of Selectmen to expend said sum for said purpose; or take any other action in the matter.

ARTICLE 22. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would amend Chapter 81 of the Acts of 2010, An Act Authorizing the Appointment of Retired Police Officers as Special Police Officers in the Town of Norwood, in order to increase from age sixty-five to age seventy the maximum age restriction for retired Norwood police officers serving by appointment by the General Manager under said Act as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, whether or not related to the detail work; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen:

1. To acquire on behalf of the Town an easement over property owned now or formerly by Norwood Gardens, LLC for purposes of access to the Norwood Municipal Light Department Right of Way and transmission equipment, provided that the Town shall not pay any money to Norwood Gardens, LLC or the then current owner of the land on which said easement is located for acquisition of said easement. Said easement area is shown as “Proposed Access Easement Area
23,903 Square Feet” on a plan entitled “Access Easement Plan in Norwood, Massachusetts” Prepared For: Norwood Municipal Light Department, Prepared By: Vanasse Hangen Brustlin, Inc. Transportation, Land Development & Environmental Services, 101 Walnut Street, P.O. Box 9151, Watertown, Ma. 02471-9151, Scale 1” = 30’, Date: February 24, 2014, a copy of which is on file in the office of the Norwood Town Clerk.

2. To abandon a portion of an existing easement on land owned now or formerly by Norwood Gardens, LLC. Said portion of the easement to be abandoned is shown as “Easement Release Area 2656 Square Feet” on a plan entitled “Easement Release Plan in Norwood, Massachusetts” Prepared for: Norwood Municipal Light Department, Prepared by: Vanasse Hangen Brustlin, Inc., Transportation, Land Development & Environmental Services, 101 Walnut Street, P.O. Box 9151, Watertown, Ma. 02471-9151, Scale: As Noted, Date: January 22, 2014, a copy of which is on file in the office of the Norwood Town Clerk, and to determine the minimum amount to be paid for such abandonment.

3. Or take any other action in the matter.

   ARTICLE 24. To see if the Town will vote to reduce the appropriation for the F.Y. 2014 Chapter 90 Highway Construction account, authorized by Article 5G-4304 of the May 13, 2013 Annual Town Meeting, to reflect the actual amount of State Chapter 90 Highway aid subsequently authorized by the Mass. Highway Department, or take any other action in the matter.
Any individual with a disability who needs accommodations related to accessibility/communications or other aspects of participation in Town Meeting or other related programs should contact:

John J. Carroll  
General Manager  
Town of Norwood  
566 Washington St.  
Norwood, MA  02062  
(781-762-1240)  

David Hern, Jr.  
Town Meeting Moderator  
Town of Norwood  
566 Washington St.  
Norwood, MA  02062  
(781-762-1240)

THE TOWN OF NORWOOD DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY.

And you are directed to serve this warrant by posting attested copies thereof in ten public places in this Town fourteen days at least before the time and day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Selectmen on or before the day and time of said meeting.

Given under our hands at Norwood this twenty-second day of April A.D., 2014.

Michael J. Lyons, Chairman

William J. Plasko

Helen Abdallah Donohue

Paul A. Bishop

Allan D. Howard  
Selectmen of Norwood