

**Westwood Planning Board  
Meeting Minutes  
March 24, 2014  
7:30 PM**

**Attendance at Finance & Warrant Commission Public Hearing  
Library Meeting Room**

**Attendance & Call to Order:**

Ch. Montgomery called the meeting to order at 7:32 p.m.

*Present:* Planning Board members Jack Wiggin, Steve Rafsky, Bruce Montgomery and Chris Pfaff and Town Planner Nora Loughnane.

**Public Hearing to Consider Amendments to the Town of Westwood Zoning Bylaws for Recommendation to Annual Town Meeting**

Ch. Montgomery opened the hearing at approximately 7:33 p.m.

Following various presentations to the Finance & Warrant Commission related to warrant articles proposed for consideration at the May 5, 2014 Annual Town Meeting, *Ms. Loughnane gave a brief summary of the ten warranted articles sponsored by the Planning Board.*

**PB Article 1: Amendments to the Westwood Zoning Bylaw, Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)]**

Three years ago, Town Meeting amended the Zoning Bylaw and Official Zoning Map to establish five FMUOD areas, including the University Avenue Business District, Southwest Park, the Glacier/Everett Business District, the Perwal/Walper Business District, and the Allied Drive Business District. This article would add two additional FMUOD areas, including the Washington Street Business District and the High Street Business District.

The FMUOD section of the Zoning Bylaw was designed to encourage appropriate development of designated areas through a more flexible, qualitative standard-based application of zoning principles. It allows the Planning Board to consider proposals in light of the demonstrated effects of a proposed development on surrounding neighborhoods and the town as a whole, rather than strict conformance to established dimensional requirements.

In most cases, development under the FMUOD section, alleviates the need for applicants to appear before both the Zoning Board of Appeals and the Planning Board, as this section provides the Planning Board with a greater degree of authority to assess the suitability of proposed layout and design for a particular project. This approach provides a greater level of design flexibility and procedural efficiency, and is especially useful for projects involving multiple buildings or parcels.

As with the existing FMUOD areas, applicants looking to redevelop properties in the High Street and Washington Street FMUODs would maintain the option of applying for site plan approval of a proposed development in conformance with the underlying Local Business A or Local Business B zoning, or applying for a FMUOD special permit.

This article would adjust various requirements and uses for the individual FMUOD districts, and would also amend the Principal Use Chart to ensure that individual retail establishments of 10,000 sq.ft. or larger, with the exception of a retail grocery store, are not permitted by right in the Local Business

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Districts. This would enable the town to encourage appropriate retail development in the Washington and High Street Business Districts, while preventing large scale chain retailers from establishing facilities by right which might conflict with the desirable character of these locations.

**PB Article 1:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.5 [Flexible Multiple Use Overlay District (FMUOD)], including the establishment of one or more additional FMUOD districts, and to approve certain amendments to Section 4.1.5 [Table of Principal Uses - Commercial Uses] and Section 4.2 [Notes for Table of Principal Uses], or take any other action in relation thereto:

1) Replace the existing Section 9.5.2 with a new Section 9.5.2 to read as follows:

9.5.2 **Location.** Seven distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, and FMUOD 7 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

- 9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.
- 9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.
- 9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.
- 9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.
- 9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.
- 9.5.2.6 **FMUOD 6: Washington Street Business District.** FMUOD 6 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 6, including properties along Washington Street within the Local Business

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B District, between Fairview Street and Everett Street.

9.5.2.7 **FMUOD 7: High Street Business District.** FMUOD 7 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 7, including properties along High Street within the Local Business A District, between Windsor Road and High Rock Street.

2) Replace the existing Section 9.5.7 with a new Section 9.5.7 to read as follows:

9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD 6, or FMUOD 7, whether held in common or separate ownership.

3) Replace the existing Section 9.5.8 with a new Section 9.5.8 to read as follows:

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

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

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Ice cream shop;
- 9.5.8.1.8 Municipal use;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.14 Retail sales and services establishment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Shuttle service system.

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

- 9.5.8.2.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby,

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atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;

- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Research and development facility;
- 9.5.8.2.7 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.8 Retail sales and services establishment, 10,000 sq. ft. or more.

**9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:**

- 9.5.8.3.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.3.2 Hotel.
- 9.5.8.3.3 Research and development facility;

**9.5.8.4 Additional Uses Permitted by FMUOD Special Permit in FMUOD3:**

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;;
- 9.5.8.4.3 Multi-family dwelling.
- 9.5.8.4.4 Research and development facility;

**9.5.8.5 Additional Uses Permitted by FMUOD Special Permit in FMUOD4:**

- 9.5.8.5.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.5.2 Research and development facility;

**9.5.8.6 Additional Uses Permitted by FMUOD Special Permit in FMUOD5:**

- 9.5.8.6.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.6.2 Research and development facility;

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

4) Replace the existing Section 9.5.9 with a new Section 9.5.9 to read as follows:

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

		<u>FMUOD 1</u>	<u>FMUOD 2</u>	<u>FMUOD 3</u>	<u>FMUOD 4</u>	<u>FMUOD 5</u>	<u>FMUOD 6</u>	<u>FMUOD 7</u>
9.5.9.1	Minimum Project Area	10 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>1</sup>	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 <sup>2</sup>	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2	100 feet	20 feet	50 feet	50 feet	50 feet	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

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amenities required under Section 9.5.14.2.4.3								
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<sup>1</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor’s Plat 33 ), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred seventy-eight and one-half (178.5) feet above sea level.

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

5) Replace the existing Section 9.5.11.2 with a new Section 9.5.11.2 to read as follows:

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

6) Replace the existing Section 9.5.11.5 with a new Section 9.5.11.5 to read as follows:

9.5.11.5        **Way Finding Signs.** Where determined by the Planning Board to be appropriate in light of the size and scale of a project, way finding signs shall be allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

7) Delete Sections 9.5.11.8, 9.5.11.9 and 9.5.11.10 in their entirety.

8) Replace existing Section 9.5.13 with a new Section 9.5.15.13 to read as follows:

9.5.13        **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than fifty percent (50%) of the total gross floor area of any project authorized under a FMUOD Special Permit. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board’s acceptance of a fiscal impact report demonstrating that said

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residential units will have no negative fiscal impact on the town . The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed fifty percent (50%) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use.

9) Replace existing Section 9.5.15.2.1.2 with a new Section 9.5.15.2.1.2 to read as follows:

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing. Where the nature of the following design features is considered by the Planning Board to be significant to the preservation or enhancement of the desirable visual quality and property values of a particular area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials for sills, lintels, frames and thresholds and any other major design elements.

10) Replace existing Sections 4.1.5.6 and 4.1.5.7 with a new Sections 4.1.5.6 and 4.1.5.7 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.6 Retail sales and services, less than 10,000 square feet	N	N	N	N	N	N	N	Y	Y	Y <sup>5</sup>	Y	Y	N
4.1.5.7 Retail sales and services, 10,000 square feet or more	N	N	N	N	N	N	N	N	N <sup>4</sup>	Y <sup>5</sup>	BA <sup>3</sup>	BA <sup>3</sup>	N

11) Replace Note 4 under Section 4.2 with a new Note 4 to read as follows:

<sup>4</sup> Except for a retail grocery store which may exceed 10,000 square feet.

12) Change the designation of the parcels known as Assessor’s Plat 23, Lots 163 and 188 from General Residential (GR) District to Local Business B (LBB) District, and change the designation of the parcel known as Assessor’s Plat 23, Lot 215 from Industrial-Office (IO) District to Local Business B (LBB) District, or take any other action in relation thereto.

13) Replace the map entitled “Official Zoning Map, May 6, 2013” with the map entitled “Official Zoning Map, May 5, 2014”.

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**PB Article 2: Amendments to the Westwood Zoning Bylaw, Section 9.6 [Mixed Use Overlay Districts (MUOD)]**

This article proposes to delete the MUOD Section in its entirety and to delete all references to the MUOD Section from the Zoning Bylaw and Official Zoning Map.

The MUOD Section was originally established to provide a process for the review and approval of the Westwood Station Development. None of the Westwood Station special permits and site plan approvals granted under the MUOD section remain in effect. A significant portion of the land covered by the three MUOD districts has now been approved for development pursuant to Section 9.8 [University Avenue Mixed-Use District (UAMUD)], and all of the land covered by the three MUOD districts is also covered by the FMUOD 1 - University Avenue Business District. As a result, there is no longer a need to maintain the MUOD Section of the Zoning Bylaw.

**PB Article 2:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to Section 9.6 [Mixed Use Overlay Districts (MUOD)], including the deletion of Section 9.6 in its entirety, and the deletion of all references to Section 9.6 or to any MUOD districts, within the Zoning Bylaw and/or the Official Zoning Map.

**PB Article 3: Amendments to the Westwood Zoning Bylaw related to Registered Marijuana Dispensaries (RMDs)**

The Annual 2013 Town Meeting voted to approve an article allowing for the establishment of a Medicinal Marijuana Dispensary as a use permitted by Zoning Board of Appeals special permit in the Administrative-Research-Office (ARO) District. At the same time, the approved article imposed a one-year moratorium on the issuance of such special permits, to allow time for the Massachusetts Department of Public Health to adopt regulations pertaining to medicinal marijuana facilities, and to allow time for the town to develop procedures for the review of such special permit applications in a manner consistent with State regulations and permitting procedures.

This article would amend the Zoning Bylaw to achieve consistency with the State regulations, including replacement of the term “Medicinal Marijuana Dispensary” with the term “Registered Marijuana Dispensary”. It would also establish a new Section 7.4 [Registered Marijuana Dispensaries (RMD)] to provide a specific process for the ZBA’s review of RMD special permits, including mandatory provisions for the solicitation of comments on a proposed RMD facility from the Police Chief, the Board of Health and the Planning Board. Finally, this article would repeal Section 4.6, pertaining to the one-year moratorium, which is otherwise set to expire the day after Town Meeting.



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**PB Article 3:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Medicinal Marijuana Use, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], and Section 4.2 [Notes for Table of Principal Uses], and Section 4.6 [Interim Regulations for Medicinal Marijuana Use]:

- 1) Delete Section 2.0 definitions for “Medical Marijuana Dispensary” and “Other Marijuana Facility” and add new Section 2.0 definitions as follows:

Registered Marijuana Dispensary (RMD) A non-profit entity, lawfully permitted and licensed pursuant to 105 CMR 725 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, and/or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A Registered Marijuana Dispensary (RMD) may sell only marijuana, marijuana-infused products (MIPs) and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.

Other Marijuana Facility Any acquisition, cultivation, possession, processing, sale, dispensing, distribution, or administration of products containing or derived from marijuana, including, without limitation, food, tinctures, aerosols, oils, ointments, or smokables, and/or marijuana-related supplies or materials, other than a Registered Marijuana Dispensary.

- 2) Amend Section 4.1.5.37 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.37 Registered Marijuana Dispensary per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA

- 3) Add new Section 7.4 to read as follows:

**SECTION 7.4 REGISTERED MARIJUANA DISPENSARIES (RMD)**

7.4.1 **Purpose.** The purpose of this Section is to assure that Registered Marijuana Dispensaries (RMDs) are carefully designed, located and operated in accordance with applicable state and local laws, rules and regulations, and to assure that adequate provisions are made for impacts of such facilities upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof.

7.4.2 **Special Permit Required.** No RMD shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4.

7.4.2 **Application Requirements.** An application for a special permit for a RMD shall be accompanied

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by a site plan and all other application materials required by the rules and regulations of the Board of Appeals.

- 7.4.3 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.4 **Referral of Application to Police Chief.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Police Chief, whereupon said Police Chief may, at his or her discretion, review the proposed RMD project and report in writing recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Police Chief, or until said Police Chief has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.5 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, whereupon said Board may, at its discretion, review the proposed RMD project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report. Said Planning Board report indicate the status of the proposed RMD's Environmental Impact and Design Review (EIDR) application which is required pursuant to Section 7.3 of this Bylaw. If the Board of Appeals shall vote to grant a RMD Special Permit prior to the Planning Board's issuance of an EIDR Approval for the RMD project, the Board of Appeals decision shall be conditional upon the granting of such EIDR Approval by the Planning Board and subject to any conditions thereof.
- 7.4.6 **Findings.** No RMD Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

- 4) Remove Section 4.6 in its entirety.

**PB Article 4: Amendments to the Westwood Zoning Bylaw related to Restaurants**

The Zoning Bylaw definition for "restaurant" currently restricts this use to an activity within a completely enclosed building. Following the adoption of special provisions for outdoor dining at restaurants within

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the University Station development, the owner of a restaurant located elsewhere in Westwood expressed a desire to construct an outdoor dining area. It was recognized that such could not be permitted under the current Zoning Bylaw.

The proposed article is intended to establish a procedure by which a new or existing restaurant may request a special permit to construct an outdoor dining area. This article would enable the consideration of any such request by the Planning Board in accordance with general special permit requirements, so that the Planning Board could grant such a special permit only upon its written determination that the adverse effects of the proposed outdoor dining area will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. These provisions will allow for a fair and equitable treatment of restaurants throughout the town, while allowing for individual consideration of the effects of particular proposals on abutting properties.

In order to streamline the permitting procedure, the proposed special permit granting authority is vested with the Planning Board, rather than the Zoning Board of Appeals, because the site changes necessary to establish an outdoor dining area would also require site plan review by the Planning Board. In most cases, this will enable a one-step review process with a single public hearing. However, where existing restaurants with alcohol licenses receive special permits to add outdoor dining areas, separate Board of Selectmen action will be necessary for these restaurants to serve alcohol to patrons dining in these outdoor areas.

**PB Article 4:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to restaurants, including amendments to Section 2.0 [Definitions], Section 4.1 [Principal Uses], Section 4.2 [Notes for Table of Principal Uses], and Section 4.3 [Accessory Uses]:

- 1) Amend Section 2.0 definition for “Restaurant” to read as follows:

Restaurant An establishment where the primary activity is the preparation, service and sale of meals for consumption on the premises while seated either inside a completely enclosed building, or in a designated outdoor seating area adjacent to the building in cases where such outdoor seating area has been allowed by a special permit issued by the Planning Board. The term “restaurant” shall not include “fast order food establishment”, “coffee shop” or “ice cream parlor” as herein separately defined.

- 2) Amend Sections 4.1.5.11, 4.1.5.12, and 4.1.5.13 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.11 Restaurant without entertainment, less than 10,000 square feet	N	N	N	N	N	N	N	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	N
4.1.5.12 Restaurant without entertainment, 10,000 square feet or more	N	N	N	N	N	N	N	PB <sup>6</sup>	PB <sup>6</sup>	Y <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	N

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4.1.5.13 Restaurant with entertainment	N	N	N	N	N	N	N	N	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	N	N	N
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3) Amend Note 6 under Section 4.2 to read as follows:

<sup>6</sup> Outdoor seating associated with a Restaurant permitted under this section, with or without entertainment, shall require a special permit issued by the Planning Board pursuant to Section 10.3.

**PB Article 5: Amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions]**

This article proposes changes to existing definitions for corner lots and building heights, and proposes the addition of new definitions for entertainment and establishment. All of these definition amendments were requested by the Building Commissioner to provide greater clarity and consistency in the interpretation and enforcement of the Zoning Bylaw.

**PB Article 5:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 2.0 [Definitions], to add, delete, or amend various definitions:

1) Replace definitions for “Lot, Corner” and “Height, Building” to read as follows:

Lot, Corner A lot on a corner fronting on two (2) intersecting streets. In the case of a corner lot, one lot line shall be designated as the front lot line by the Building Commissioner, following a review of relevant criteria including street address and orientation of existing structures, and the opposite lot line shall be designated a rear lot line, for setback and yard requirements.

Height, Building Measured at the vertical distance from the average natural ground elevation adjoining the building at all exterior walls (grade plane) to the average height of the highest roof surface, except that in residential districts, height is measured from the highest finished ground elevation adjoining the building at all exterior walls. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are used in no way for human occupancy.

2) Add a new definitions to Section 2.0 to read as follows, and re-alphabetize definitions as appropriate:

Entertainment Any form of amusement, distraction or similar activity intended to entertain the customers or clientele of a business, including any live or audio-visual presentation regardless of duration.

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Establishment Any private or public entity, for-profit or non-profit organization, institution, proprietorship, or partnership regularly engaged in a particular activity.

**PB Article 6: Amendments to the Westwood Zoning Bylaw related to Section 4.5 [Non-conforming Uses]**

This article proposes amendments to Section 4.5 [Non-conforming Uses]. The primary change requested by the Building Commissioner is intended to clarify that the 25-foot building height restriction imposed under Section 4.5.8.2.2 pertains only to non-conforming lots that fail to meet frontage and or lot area requirements for the zoning district in which they lie. This amendment would allow non-conforming structures on lots with sufficient lot frontage and lot area to meet standard district-specific height requirements.

In response to comments received at the February 24th Finance and Warrant Commission hearing, this article has been amended to provide additional time for reconstruction of a building following a catastrophe, and to clarify that the Building Commissioner may extend the timeframe for reconstruction following either catastrophe or voluntary demolition for good cause.

**PB Article 6:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 4.5 [Non-conforming Uses and Structures]:

1) Replace Section 4.5.8 with a new Section 4.5.8 to read as follows:

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

4.5.8.1 Reconstruction of said premises shall commence within one (1) year after such voluntary demolition, or within two (2) years after such catastrophe, which time period may be extended by the Building Commissioner for good cause.

4.5.8.2 The building as reconstructed shall:

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

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of twenty-five (25) feet if constructed on a lot that does not comply with current lot area and lot frontage requirements.

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

**PB Article 7: Amendments to the Westwood Zoning Bylaw related to Section 5.2 [Table of Dimensional Requirements]**

This article proposes to amend the front setback requirements for the Local Business A (LBA) and Local Business B (LBB) districts. The minimum setback for the LBA district along High Street would be reduced from 40 feet to 10 feet, while the minimum setback for the LBB district along Washington Street would be reduced from 25 feet to 0 feet. These changes are intended to allow the construction of new buildings in a manner which better conforms to the setbacks of existing structures on High and Washington Streets.

If approved, this article will correct an internal inconsistency in the Zoning Bylaw, which currently results in property owners having to obtain a dimensional variance from the Zoning Board of Appeals in order to comply with the Section 7.3.7.14 Specific Standards for High and Washington Street, which section requires that the setback of any new non-residential structure must mimic the setback of nearby pre-existing structures.

**PB Article 7:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 5.0 [Dimensional Requirements], including amendments to the Table of Dimensional Requirements:

- 1) Replace existing Section 5.2 with a new Section 5.2 to read as follows:

**5.2 TABLE OF DIMENSIONAL REQUIREMENTS<sup>1</sup>**

	DISTRICT	DIMENSIONAL REQUIREMENTS								
		Minimum Lot Area (sq ft)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Nonwetland Area <sup>2</sup> (sq ft)	Minimum Front Setback <sup>3</sup> (feet)	Minimum Side Yard Setback <sup>4</sup> (feet)	Minimum Rear Yard Setback <sup>4</sup> (feet)	Maximum Building Coverage (%)	Maximum Impervious Surface (%)
5.2.1	<b>SRA</b>	12,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
5.2.2	<b>SRB<sup>13</sup></b>	20,000	90	90	15,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
5.2.3	<b>SRC<sup>13</sup></b>	40,000	125	125	30,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
5.2.4	<b>SRD</b>	15,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
5.2.5	<b>SRE<sup>13</sup></b>	80,000	175	175	60,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
5.2.6	<b>GR</b>	12,000	90	90	12,000	25	15 <sup>5</sup>	30 <sup>6</sup>	25	50
5.2.7	<b>SR</b>	80,000	175	175	60,000	40	20 <sup>7</sup>	30 <sup>8</sup>	25	50
5.2.8	<b>LBA</b>	4,000	40	40	4,000	10	15 <sup>9</sup>	15	25	80

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5.2.9	<b>LBB</b>	4,000	40	40	4,000	0	15 <sup>9</sup>	15	25	80
5.2.10	<b>HB</b>	10,000	100	100	10,000	50	15	15	50	80
5.2.11	<b>I</b>	40,000	200	200	12,000	50	15 <sup>10</sup>	15 <sup>11</sup>	50	80
5.2.12	<b>IO</b>	40,000	200	200	12,000	50	15 <sup>10</sup>	15 <sup>11</sup>	50	80
5.2.13	<b>ARO</b>	80,000	175	175	60,000	50	30 <sup>12</sup>	30	30	50

**PB Article 8: Housekeeping Amendments to the Westwood Zoning Bylaw and Official Zoning Map**

Minor housekeeping amendments are often necessary to clarify sections of the Zoning Bylaw, or correct errors and inconsistencies within the bylaw or map. This proposed Housekeeping article would make minor corrections to the map to adjust zoning district lines to better match property lines, and would update labeling for street names where necessary.

**PB Article 8:** To see if the Town will vote to approve housekeeping amendments to various sections of the Westwood Zoning Bylaw and Official Zoning Map as may be necessary to correct errors or inconsistencies and to clarify such sections:

- 1) Replace the map entitled “Official Zoning Map, May 6, 2013” with the map entitled “Official Zoning Map, May 5, 2014”.

**PB Article 9: Endorsement of the Dedham and Westwood Bicycle and Pedestrian Network Plan**

The Planning Board was awarded a grant from the Metro Boston Consortium for Sustainable Communities, to fund the preparation of a bicycle and pedestrian plan. This grant resulted in the provision of services by the Metropolitan Area Planning Council (MAPC) for research and writing of a joint plan for the towns of Dedham and Westwood. The MAPC is expected to present the final plan by the end of this week. Once received, this plan will be forwarded to the Board of Selectmen, Department of Public Works, Public Safety Officer, and Bicycle and Pedestrian Safety Committee for final review and recommendation. The Planning Board will then hold a public hearing before considering adoption of this plan. Once adopted, the Planning Board will request Town Meeting endorsement of the Dedham and Westwood Bicycle and Pedestrian Network Plan.

**PB Article 9:** To see if the Town will vote to endorse the Dedham-Westwood Bicycle and Pedestrian Plan.

**PB Article 10: Amendments to the Westwood Zoning Bylaw related to Section 2.0 [Signs]**

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In recent years, amendments to Section 2.0 of the Zoning Bylaw were adopted with the intention of imposing similar restrictions on municipal signs as are imposed on business signs. Over time it has been recognized that these restrictions inhibit the town's ability to install and maintain certain types of municipal signs, including signs denoting natural resources areas throughout town, and signs noting that Westwood is a Heart Safe Community. The proposed article is intended to restore the Zoning Bylaw exemption for all municipal signs. This article would allow municipal signs to be installed with the approval of the Town Administrator.

**PB Article 10:** To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to Section 6.2 [Signs]:

- 1) Amend Section 6.2.2.10 by deleting the second sentence so that Section 6.2.2.10 reads as follows:

6.2.2.10        Flag A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

- 2) Add a new Section 6.2.4 to read as follows, and renumber subsequent sections as appropriate:

6.2.4        **Municipal Signs.** Notwithstanding any provisions to the contrary in Section 6.2 or elsewhere in this Bylaw, municipal signs of any type, number, size, and material are permitted in all districts as authorized by the Town Administrator.

- 3) Delete the words “, except municipal signs” from Section 6.2.4.2, so that Section 6.2.4.2 reads as follows:

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

- 4) Amend Section 6.2.4.4, 6.2.5.5 and 6.2.6.5 to read as follows:

6.2.4.4        Notwithstanding the above limitations on number and total area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.5.5        Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.6.5        Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.



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- 5) Replace existing Section 6.2.7 with a new Section 6.2.7, which includes amendments to subsections 6.2.7.2 and added 6.2.7.6, so that the new Section 6.2.7 reads as follows:

6.2.7 **Prohibited Signs.** The following signs shall be prohibited in all districts except as specified herein:

- 6.2.7.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs.
- 6.2.7.2 Flags, bunting, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of national holidays shall be permitted, and properly displayed official flags of governmental jurisdictions and decorative flags on residences shall be permitted.
- 6.2.7.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- 6.2.7.4 Signs, other than traffic, regulatory or directional signs, which use the words “stop”, “caution”, or “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble universal “stop” or “yield” signs in shape and color.
- 6.2.7.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.
- 6.2.7.6 Notwithstanding the above provisions, municipal signs of all types shall be permitted in all districts as authorized by the Town Administrator.

*Board Discussion/Comments & Questions:*

Various clarifying questions were asked by Finance & Warrant Commission members and answered by Ms. Loughnane and Ch. Montgomery.

*Motion/Action Taken:*

*Upon a motion by Mr. Wiggin and seconded by Mr. Pfaff, the board voted unanimously in favor to continue this public hearing until Tuesday, March 25, 2014 at 7:30 p.m. in the Champagne Meeting Room, 50 Carby Street.*

**Adjournment**

*At approximately 10:25 p.m., the Planning Board meeting adjourned.*