



**PUBLIC NOTICE POSTING REQUEST  
TO OFFICE OF THE WESTWOOD TOWN CLERK**

2019 MAR 20 P 12: 19

**ORGANIZATION: Finance and Warrant**

**Commission - UPDATED**

TOWN CLERK  
TOWN OF WESTWOOD

**PUBLIC HEARING X**

**Monday, March 25, 2019**

**DATE: & Tuesday, March 26, 2019 (if needed) TIME: 7:00 pm**

**LOCATION: Community Meeting Room, Westwood Public Library**

**PURPOSE: 2019 FinCom Final Public Hearing - Annual Town Meeting  
REMAINING Warrant Article Presentations & FinCom Votes**

**REQUESTED BY: Jane O'Donnell, Administrator**

*NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturday, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in the adequate amount of time.*

**LIST OF TOPICS TO BE DISCUSSED**

*(For updates to this notice, please see [www.townhall.westwood.ma.us](http://www.townhall.westwood.ma.us))*

*Topics/Speakers:*

*Chairperson Opening Remarks*

**2019 Annual Town Meeting REMAINING Warrant Article Presentations:**

**PLANNING BOARD ARTICLES**

**Zoning Amendment Related to Medical Uses – UPDATE: AT THEIR TUESDAY, MARCH 19, 2019 PUBLIC HEARING, THE PLANNING BOARD VOTED BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED TO WITHDRAW THIS WARRANT ARTICLE IN ITS ENTIRETY.**

On March 12, 2019, the Planning Board unanimously voted to modify the article language to update the Table of Uses to include “Medical Center or Clinic” to be allowed by special permit in the Industrial (I) zoning district and rename the “Office of a Doctor or Dentist not a resident on Premises” to “Office of Health Care Professional”.

The Planning Board removed the portion of the original article that defined, zoned and regulated “Substance Rehabilitation or Treatment Facilities” and “Hospitals”. These uses are currently undefined and are not regulated in Westwood’s Zoning Bylaw presently. The Planning Board recognizes the importance of zoning for these uses because uses not mentioned leaves the town susceptible to a challenge, particularly a Substance Rehabilitation Facility because it is a protected use. The Board will further consider where and how these uses should be zoned and the Board intends to return at a subsequent Town Meeting.

**Background**

This amendment was approved by Town Meeting in November 2017 and was re-submitted after Attorney General Disapproval due to a minor procedural defect.

In 2017, while reviewing the Brigham and Women’s project at University Station, the Planning Board discovered there were medical uses referenced in several locations in the Zoning Bylaw that were not clearly defined in the definition section and were not all listed in the Table of Uses, which identifies where uses can and cannot be located. The purpose of the original article is to provide consistent definitions by amending existing definitions; adding new definitions for uses referenced throughout the bylaw; and updates the Table of Uses to restrict the uses to a specific zoning district.

The primary purpose of the original article is to eliminate ambiguity to avoid the potential for a Hospital, Medical Center/Clinic, and Substance Rehabilitation or Treatment Center, to be proposed in a location not appropriate for such uses. The Zoning Bylaw currently allows an “Office of Doctor or Dentist” by-right in all commercial zoning districts and special permit in the General Residence zone, which leave Westwood vulnerable to a challenge as one could might argue it is a similar use. The Zoning Bylaw’s failure to address all uses mentioned exposes the town for a potential “use not mentioned” appeal to the Zoning Board of Appeals (ZBA) for a development of these uses in any zoning district.

The 2017 zoning article and the article originally submitted to this warrant proposed allowing a Medical Center or Clinic in the ARO, I, and IO zones by special permit only, and Hospital, and the Substance Rehabilitation or Treatment Facility by special permit only in the ARO zone. The ARO (Administrative-Research-Office) zoning district was originally selected because the district is intended for businesses engaged in administrative, research and office activities, includes compatible uses such as assisted living facilities, nursing or convalescent homes, residential retirement community, and medical marijuana establishments and is located near the I-128.

The ARO zone has been removed from a possible zoning district for the Medical Center use and the Substance Rehabilitation Treatment Facility and Hospital uses remain unmentioned in the Zoning Bylaw with this proposed article.

### **Zoning Amendment to Accessory Uses in Residential District**

This article is submitted to clarify the intent of the zoning to provide clear guidance to the Building Commissioner as the zoning enforcement officer. Currently, a special permit is required for all residential properties that have a “parking area and storage area” for four or more vehicles. If literally enforced, four vehicles parked in a driveway or combination of garage and parking area requires a special permit. The current zoning is not realistically enforceable because many properties have more than four vehicles or driveway space that can accommodate four or more vehicles.

On March 12, 2019, the Planning Board voted to revise the language to continue to require a special permit for garages that can accommodate more than three vehicles and require a special permit for more than three vehicles parked in a driveway that do not have screening and are thus visible at normal eye level from an abutting lot.

## **SELECT BOARD – FINANCIAL & MISCELLANEOUS ARTICLES**

### **Supplemental appropriations FY19**

This article is intended to transfer funds from budget accounts that have a surplus into accounts that are projected to be in deficit by the end of the fiscal year.

### **Supplemental appropriations FY19**

This article is intended to cover any projected budget deficits with funds from other available accounts which include, but are not limited to, Free Cash and Reserve Funds or other available accounts, such as ambulance revenue, reserved state aid, budget surplus, etc.

### **FY20 Operating Budgets (Appendix “D”)**

This article seeks official approval of the Annual Operating Budget for the upcoming fiscal year. It includes a detailed accounting of the source of all funds being appropriated, including but not limited to, tax revenue, local receipts, state aid, and appropriations from other specified available funds.

### **Appropriation (\$ - ) – Municipal capital improvements**

This article is intended to appropriate funds for the Town’s municipal capital investments for the next fiscal year.

### **Appropriation (\$ - ) – School capital improvements**

This article is intended to appropriate funds for the Town’s school capital investments for the next fiscal year.

### **Appropriation (\$ - ) – Sewer capital improvements**

This article is intended to appropriate funds for the Town’s sewer capital investments for the next fiscal year. The items in this article are funded from Sewer User fees and/or Sewer Retained Earnings

### **Appropriation (\$ - ) – Other Capital Improvements**

This article is intended to appropriate funds for the Town’s other Capital Improvements not captured in the above articles for the next fiscal year.

### **Appropriation (\$ - ) – Specifically Funded Capital Improvements (i.e. Ambulance Funds)**

This article is intended to appropriate specific funds for the Town’s other Capital Improvements not captured in the above articles for the next fiscal year.

### **Appropriations – to Stabilization Fund – FY20**

This article is intended to appropriate funds into the Town’s Stabilization Account. The Stabilization Reserve Account provides funds that can be used to meet some unforeseen, extraordinary expenditure or to be able to absorb a fiscal shock. Maintaining a healthy stabilization reserve is viewed positively by the rating agencies, especially now that Westwood has achieved its reserve fund goal. It is important that the Town continue to maintain that achievement by appropriating a sum each year. Appropriating funds in is majority vote and out of this account requires a 2/3 majority vote at Town Meeting.

### **Appropriation – to OPEB Liability Trust Fund – FY20**

This article is intended to appropriate funds to the OPEB Liability Trust Account. The amount for FY20 will be in continuation of recent appropriations.

### **Street Acceptances**

This article is a standard article to present private roads, if any - that have been constructed and/or brought up to the Town’s standards - for acceptance as Town ways.

### **Miscellaneous Articles**

This article serves as a placeholder to insert an Article in support of Town Government that may come up before the official Warrant is approved.

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**FINCOM VOTES ON 2019 WARRANT ARTICLES RECOMMENDATIONS**

Chair's Update.  
New Business.  
Old Business.  
Public and Press.  
Adjournment.

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**\*Changes and additions to be updated as needed.**

NOTE: Per changes to Open Meeting Law, effective July 1, 2010, notice of any meeting of public body shall include "A listing of topics that the chair reasonably anticipates will be discussed at the meeting". Topics must give enough specificity so that the public understands what will be discussed, but not necessarily all items that may come up. Please list those topics above.

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TOWN OF WESTWOOD