

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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TOWN CLERK
TOWN OF WESTWOOD

WESTWOOD PLANNING BOARD
NOTICE OF PUBLIC HEARING

ZONING AMENDMENTS

The Westwood Planning Board will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, §5 on **Tuesday, February 26, 2019**, at 7:00 p.m. in the Champagne Meeting Room in the Carby Municipal Office Building at 50 Carby Street, Westwood, MA 02090, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw.

If inclement weather necessitates canceling the public hearing, the public hearing will be postponed to a “snow date” of **Tuesday, March 12, 2019 at 7:00 pm** in the Cafeteria at Downey Elementary School at 250 Downey Street, Westwood, MA. In this event, a notice will be posted on the Town’s website at <http://www.townhall.westwood.ma.us> and posted on the door of the Carby Municipal Office Building at 50 Carby Street on February 26 announcing the meeting cancelation and the continued meeting date on March 12.

Article 1: To see if the Town will vote to endorse the 2018-2019 update to the Open Space and Recreation Plan (OSRP). The Plan reviews Westwood’s existing conservation and recreation areas and sets goals and objectives related to improvement of recreation facilities and conservation areas. An Open Space & Recreation Plan establishes the community’s aspirations and recommends patterns of development to support those aspirations. The Plan will be submitted to the Massachusetts Department of Conservation and Recreation (DCR) for the town to become eligible for various open space and recreation grant programs.

Article 2: **Zoning Amendment Related to Accessory Uses In Highway Business** – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to permit retail uses such as cafeterias, snack bars, gift shops and vending machines as accessory uses serving employees and clientele of the principal use in the HB (Highway Business) zoning district by amending Section 4.3.5.1 [Table of Accessory Uses], or take any other action in relation thereto.

- 1) Amend Section 4.3.5 to read as follows (*underlined wording indicates new language, wording to be removed shown with strikethrough*):

4.3.5 ACCESSORY USES IN INDUSTRIAL, HIGHWAY BUSINESS AND ARO DISTRICTS

ACCESSORY USE	DISTRICTS
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	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.5.1 Retail uses, such as cafeterias, snack bars, gift shops and vending machines dispensing food, soft drinks and incidental merchandise items; provided that any such uses shall be conducted primarily for the convenience of employees and the clientele of the principal use of the premises and shall be wholly within a building and have no exterior advertising display.	N	N	N	N	N	N	N	N	N	<u>NY</u>	Y	Y	BA

Article 3: Zoning Amendments Related to Medical Uses – To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to various medical uses by amending Section 2.0 [Definitions] by amending the definition of Medical Center or Clinic and Office of Health Care Professional; add new definition for Hospital and Substance Rehabilitation or Treatment Facility; amend Section 4.1.5 [Table of Principal Uses – Commercial Uses]; and amend Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD] by revising new definition to “Office of Health Care Professional” from “Office of a doctor or dentist”, or take any other action in relation thereto.

- 1) Revise definitions in Section 2.0 [Definitions] for “Medical Center or Clinic” and “Office of Health Care Professional” to read as follows (*underlined wording indicates new language; words to be removed have strikethrough*):

Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients that ~~does not include substance rehabilitation or overnight care facilities~~ is not a Hospital or Substance Rehabilitation or Treatment Facility.

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

- 2) Add new definitions to Section 2.0 [Definitions] for “Hospital” and “Substance Rehabilitation or Treatment Facility” as follows:

Hospital A building designed and used for the diagnosis and treatment of human patients that includes overnight care facilities.

Substance Rehabilitation or Treatment Facility A building designed and used for the diagnosis and treatment of human patients for substance rehabilitation and/or treatment facilities.

- 3) Amend Section 4.1.5 [Table of Principal Uses – Commercial Uses] by revising new definitions to Section 2.0 [Definitions] for “Hospital” and “Substance Rehabilitation or Treatment Facility” changing the title of Section 4.1.5.22 from “Office of a doctor or dentist not a resident on premises” to “Office of Health Care Professional”, and by adding new Section 4.1.5.23 “Medical Center or Clinic”, new Section 4.1.5.24 “Hospital”, and new Section 4.1.5.25 “Substance Rehabilitation Facility” as follows, and renumber subsequent sections as appropriate:

4.1.5 COMMERCIAL USES

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.22 Office of doctor or dentist not a resident on premises <u>Health Care Professional</u>	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
<u>4.1.5.23 Medical Center or Clinic</u>	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
<u>4.1.5.24 Hospital</u>	N	N	N	N	N	N	N	N	N	N	N	N	BA
<u>4.1.5.25 Substance Rehabilitation or Treatment Facility</u>	N	N	N	N	N	N	N	N	N	N	N	N	BA

- 4) Amend Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD] by revising new definitions to Section 2.0 [Definitions] for “Office of Health Care Professional” from “Office of a doctor or dentist” as follows:

9.5.8.1.9 ~~Office of doctor or dentist~~ Office of Health Care Professional;

Article 4: Housekeeping – To see if the Town will vote to approve certain 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, or take any other action in relation thereto.

- 1) Add “Access Approval Overlay District (AAOD)” to the list of overlay districts in Section 3.1.3 [Overlay Districts]

- 2) Amend Alternative Dimensions Table 9.5.9 to change the Section reference from 9.5.14.2.4.3 to read as follows:

Minimum Public Amenity Areas or other public amenities required under Section 9.5.15.2.4.3

- 3) Delete the words “Section 8.4, Senior Residential Development (SRD)” in the second paragraph under Section 9.7.12.5 [Relationship to Underlying Districts and Regulations].
- 4) Amend the second paragraph in Section 9.7.12.5 [Relationship to Underlying District Regulations] to correct the Section reference referring to Section 8.5, Residential Retirement Community (RRC) to Section 8.4.

Article 5: Zoning Amendment to Increase Fence & Wall Height - To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to amend the Section 2.0 [Definitions] definition for “Structure”, in relation to fence heights, and to amend Section 6.3.10 [Perimeter Fence Special Permit], and to amend Section 5.5.5 [Corner Clearance] as necessary, or take any other action in relation thereto.

- 1) Amend Section 2.0 definition for structure as follows (*underlined wording indicates new language; words to be removed have strikethrough*):

Structure An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, communication towers, flag poles, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, tanks in excess of 500 gallons used for the storage of any fluid other than water and swimming pools. A freestanding fence or wall ~~six (6)~~ **seven (7)** feet or less in height, or a fence installed on or immediately adjacent to a wall such that the fence and wall together have a combined height of ~~six (6)~~ **seven (7)** feet or less, measured from the lowest point of grade adjacent to the fence, or combined wall and fence, will not be considered a structure.

- 2) Amend Section 6.3.10 [Perimeter Fence Special Permit] related to the maximum height of a freestanding fence allowed by special permit.
- 3) Amend Section 5.5.5 [Corner Clearance] to incorporate any amendments necessary and related to accommodate the change to increase the fence and wall height in the definition for structure.

Article 6: Zoning Amendment to Accessory Uses in Residential Districts - To see if the Town will vote to amend Section 4.3.3 [Accessory Uses in Residential Districts] to amend the requirements for private garage and the parking and storage of more than three motor vehicles in Section 4.3.3.2, or take any action in relation thereto.

4.3.3.1 Private garage for not more than three (3) motor vehicles including not more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds.

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Article 7: Zoning Amendments to Residential Retirement Community (RRC) - To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to amend Section 8.4 [Residential Retirement Community (RRC)], or take any action in relation thereto. *(underlined wording indicates new language; words to be removed have strikethrough):*

1) Amend Section 8.4.2 as follows:

8.4.2 General. A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored as a Coordinated Unit by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include an assisted living residence ~~a restorative care center/skilled nursing facility. A Coordinated Unit is a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle.~~ The program of resident services may include assisted living residence ~~restorative care center/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities.~~ These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.

2) Amend Section 8.4.3.4 as follows:

8.4.3.4 Building Height. The maximum building height shall be no more than 65 feet as set forth in the definition of "Building Height" contained in Section 2.0 of this Bylaw measured by the vertical distance from grade plane to the average height of the highest roof surface. ~~five (5) stories, provided that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings.~~

3) Amend Section 8.4.3.5 as follows:

8.4.3.5 Density Limitation. The total number of dwelling units within a RRC shall not exceed five ~~four and one-half (4½)~~ dwelling units including assisted living units per acre or one and one-half (1½) nursing facility beds per acre.

4) Add new Affordable Housing Requirement Section as follows:

8.4.3.6 Affordability Requirements. Where any project authorized under a RRC Special Permit will result in the development of at least eight (8) new dwelling units, the minimum number of dwelling units specified in the table below shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw and in the Rules and Regulations. All such affordable dwelling units shall be contained within the RRC unless the Planning Board determines a

proposed alternative to be at least equivalent in serving the Town’s housing needs after consultation with the Westwood Housing Partnership and the Westwood Housing Authority. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said dwelling units shall count toward Westwood’s requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity.

<u>Total Number of Dwelling Units</u>	<u>Minimum Number of Affordable Dwelling Units</u>
1 to 7 units	0
8 to 9 units	1
10 to 15 units	2
16 to 22 units	3
23 to 26 units	4
27 or more units	15% of the total number of dwelling units, rounded up to the next whole number

The complete text and material relative to the proposed amendments are available for viewing on the Town’s website under the Planning Division “Zoning Amendments” at http://www.townhall.westwood.ma.us/gov/depts/commdevdepts/zoning_amendments.htm or at the office of the Planning Board at 50 Carby Street between 8:30 a.m. and 4:30 p.m. Monday through Thursday and 8:30 a.m. and 1:00 p.m. on Fridays. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board.

Westwood Planning Board

Westwood Press Advertising Dates: Friday, February 8, 2019 and Friday, February 15, 2019

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