

Presented at January 21, 2020 Planning Board Meeting
2020 Medical Use Zoning Amendment Article

This proposed warrant article would establish a new Medical Facilities Overlay District (MFOD) encompassing selected parcels within the Lowder Brook Road Administrative-Research Office (ARO) District and within the northeastern portion of the University Avenue Industrial District (I) which is also covered by the University Avenue Mixed-Use District (UAMUD)(i.e.: University Station). The proposed warrant article would continue to allow Offices of Health Care Professionals (currently called Office of Doctor or Dentist) in all commercial districts and by special permit in the General Residential (GR) District, and would continue to allow Medical Centers or Medical Clinics within University Station, subject to the current requirements of the UAMUD Section of the Zoning Bylaw. The proposed warrant article would restrict Hospitals and Substance Rehabilitation and Treatment Facilities to only those properties within the newly established MFOD and would require approval for such uses in the form of a MFOD special permit issued by the Zoning Board of Appeals.

If this warrant article receives Town Meeting approval, a Hospital or Substance Rehabilitation or Treatment Facility could be developed pursuant to a Zoning Board of Appeals MFOD special permit on any of the six (6) designated parcels within the proposed MFOD:

*Fox Hill Village parcel on Longwood Drive,
Meditech parcel on Lowder Brook Road,
DelFrisco's/NYAs parcel on University Avenue,
Courtyard Marriot parcel on University Avenue
Brigham & Women's parcel of Brigham Way, or
Currently undeveloped parcel to west of Westwood Place Condo parcel on University Avenue.*

If such facility was a non-profit facility and developed on any of the parcels within University Station, the proponent would be obligated to negotiate a PILOT Agreement with the Select Board. If such facility was a non-profit facility and developed on either of the parcels within the ARO District, the proponent would have no obligation to negotiate a PILOT Agreement with the Select Board, and if such a facility was approved absent a 25% PILOT Agreement this could jeopardize future payments under the existing Brigham and Women's Community Service Agreement.

ARTICLE ___ – Zoning Amendment 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] and Section 4.1.2 [Table of Principal Uses], 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

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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 and that is not a substance rehabilitation and/or treatment facility.

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

- 3) Add a new Section 9.8 [Medical Facility Overlay District] as follows:

9.8 MEDICAL USE OVERLAY DISTRICT (MFOD)

9.8.1 Purpose. The purpose of the Medical Facility Overlay District (MFOD) is to restrict the development of traffic-intensive medical facilities to areas that benefit from proximate access to major highways, and to regulate the location, design, and operation of medical facilities to minimize adverse impacts on the Town and nearby properties, so as to maintain the character of its neighborhoods and commercial districts and to preserve the quality of life through effective land use planning.

9.8.2 Location. The Medical Facility Overlay District (MFOD) is herein established as an overlay district. The MFOD shall include the following specific parcels, as shown on the Westwood Board of Assessors’ Map, as of January 1, 2020:

Parcel 06-017 (100-200 Lowder Brook Road);

Parcel 06-018 (2-20 Longwood Drive);

Parcel 33-006 (100 Brigham Way);

Parcel 33-052 (60-70 University Avenue);

Parcel 33-057 (64 University Avenue);

Parcel 33-056 (138 University Avenue);

9.8.3 Applicability. Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within the MFOD, whether held in common or separate ownership.

9.8.4 Special Permit Granting Authority. The Board of Appeals shall be the Special Permit Granting Authority for all MFOD Special Permits.

9.8.5 Special Permit Required. Development under this Section requires a MFOD Special Permit issued by the Board of Appeals in compliance with the provisions of this Section for any one or more of the following uses:

9.8.4.1 Medical Center or Clinic;

9.8.4.2 Hospital;

9.8.4.3 Substance Rehabilitation or Treatment Facility.

- 9.8.6 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the MFOD 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 MFOD Special Permit.
- 9.8.7 **Building Setback Requirements.** Any building developed under a MFOD Special Permit shall setback be a minimum of three hundred feet (300') from the nearest property line abutting any residentially zoned parcel.
- 9.8.8 **Building Height Requirements.** The maximum height of any building developed under a MFOD Special Permit shall not exceed sixty feet (60').
- 9.8.9 **Fiscal Impact Report.** In addition to any other studies and reports required by the Board of Appeals, an application for WFOD shall include a Fiscal Impact Report demonstrating that said development will have no significant negative fiscal impact on the town.
- 9.8.10 **Traffic Report.** In addition to any other studies and reports required by the Board of Appeals, an application for WFOD shall include a Traffic Study demonstrating that said development will have no significant negative impact on vehicular, bicycle and pedestrian circulation in the vicinity of the proposed development and in proximate neighborhoods.
- 9.8.11 **Procedures.** An application for a MFOD special permit shall be filed in conformance with the rules and regulations of the Board of Appeals.
- 9.8.12 **Decision.** A special permit for any of the MFOD uses allowed pursuant to this Section shall be granted by the Board of Appeals only upon its written determination that the proposed use(s), subject to the conditions imposed thereby, will not be contrary to the best interests of the Town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site, including but not limited to particular aspects of the proposed facility design and operation. The Board may impose reasonable conditions which it deems necessary to safeguard the surrounding properties and the Town, including but not limited to security requirements, noise controls, and limits on hours of operation. The Board may require annual reporting and renewal of a MFOD special permit where it finds such reporting and renewal is necessary to effectively monitor the facility and to adequately protect the interests of the neighborhood and/or Town.
- 9.8.13 **Other Required Approvals.** Applications for additional approvals and/or special permits, required pursuant to this Bylaw, including but not limited to approvals and/or special permits required under Section 7.1 [Earth Material Movement (EMM)], Section 7.3 [Environmental Impact and Design Review (EIDR)], Section 9.3 [Water Resource Protection Overlay District (WRPOD)], and Section 9.7 [University Avenue Mixed Use District (UAMUD)], shall be filed concurrently with the MFOD special permit application required under this Section. No MFOD Special Permit shall become effective unless and until all other required approvals and/or special permits have been obtained.

- 4) Amend Section 4.1.5 [Table of Principal Uses - Commercial Uses] by 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

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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 or Treatment 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>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N⁸</u>	<u>N</u>	<u>N</u>
<u>4.1.5.24 Hospital</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N⁹</u>	<u>N</u>	<u>N⁹</u>
<u>4.1.5.25 Substance Rehabilitation or Treatment Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N⁹</u>	<u>N</u>	<u>N⁹</u>

5) Amend Section 4.2 [Notes for Table of Principal Uses] by adding a new Notes 8 and 9 as follows, and renumber subsequent notes as appropriate:

⁸ Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (UAMUD)].

⁹ Except in accordance with a special permit issued pursuant to Section 9.8 [Medical Facility Overlay District (MFOD)].

6) Amend Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD] to replace “Office of doctor or dentist” with “Office of Health Care Professional” as follows:

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