

**Town of Westwood**  
Commonwealth of Massachusetts

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**PLANNING BOARD**

**Memorandum**

To: Jane O'Donnell, Administrator  
Finance and Warrant Commission Members

From: Abby McCabe, Town Planner  
Planning Board Members

Date: February 28, 2019

Re: Planning Board Summary of Warrant Articles

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Below is a summary of the Planning Board's submitted warrant articles. The specific zoning language is included as an attachment. The Planning Board held a public hearing on February 26, 2019. Two articles (#3 and #6) were not supported by the full Planning Board and the Board requests the Finance and Warrant Commission allow the Planning Board to report back on these two articles at your March 25 public hearing. After input received at the February 26<sup>th</sup> hearing, the Board was not able to arrive at a final proposed language. The Board may continue to consider the two articles at their March 12 and March 19 meetings.

**1 - Endorsement of the Open Space and Recreation Plan**

The 2019 Open Space and Recreation Plan (OSRP) updates the plan previously completed in 2000. On February 26, 2019, the Planning Board approved the 2019 update and recommended Town Meeting endorsement of the OSRP. An updated OSRP must be submitted and adopted by the Massachusetts Department of Conservation and Recreation (DCR), which allows the town to be eligible for various grant programs. An OSRP is generally covers a seven year timeframe.

In fall 2017, a 21-member Open Space and Recreation Committee was established by the Select Board comprised of representative with area expertise including representatives from: the Select Board, Planning Board, Recreation Commission, Commission on Disability, Board of Health, Conservation Commission, Westwood Land Trust, Youth Sports Organizations, School Committee, two "at large" residents, and the Committee was supported by ex-officio staff members. The Committee hired a professional consultant to assist with the Plan's update and hired PGC Associates.

The Committee met throughout 2018 and held seven public meetings all televised by Westwood Media Center. The Committee released a survey in November 2017 through early 2018, which was completed by 809 respondents. A town-wide visioning workshop was held on February 1, 2018 and was attended by 43 residents in addition to the Committee members. Input gained from the workshop found support for a community recreation center and more recreation opportunities for people of all ages, support for continued and improved maintenance of fields and recreation facilities, greater connectivity through walking paths, bike paths, and trails, support for prioritizing open space and natural resources, and improved outreach and education to publicize Westwood's open space resources. The Committee prepared draft goals and worked on language and priority order at an public meetings in spring 2018.

In November 2018, the OSRP Committee met and voted to forward the OSRP to the Planning Board with a set of goals categorized into: general goals, open spaces goals, and recreation goals, in a plan that included an analysis of existing conditions, an action plan, and the survey and an accessibility assessment of facilities under Conservation and Recreation jurisdiction in the appendix. The Planning Board opened a public hearing on the Open Space and Recreation Plan on December 11, 2018, and held continued hearings on January 8, January 29, and February 26. The Planning Board sought and received public comments at each hearing and received several written comment letters. Letters of support were submitted by the Select Board, Recreation Commission, Conservation Commission, and a comment letter from the Commission on Disability. The Planning Board revised the OSRP based on feedback and input received and ultimately approved the Plan on February 26, 2019.

The OSRP establishes two general goals relating to protecting Westwood's community character, and promoting accessibility in open space and recreation areas. The next category sets three Open Space goals related to improving management and conditions of conservation areas and increasing areas of open spaces areas, and protecting and acquiring additional land for open space and conservation. The Plan includes six Recreation focused goals that include expanding facility use, an indoor recreation community center, identifying additional properties for recreation facilities, new outdoor facilities, developing new ice skating opportunities, and continuing to provide quality recreational programming. Each goal is followed by more specific objectives with strategies to reach those goals. Section 9 of the Plan includes an Action Plan to assist in identifying the parties' responsibility for taking the lead of the objectives and a general timeframe.

An Open Space and Recreational Plan will serve as a general guide to the Town when making future decisions relative to open space and recreation and is not a regulatory or legal document, nor does an approval allocate funding for any specific item mentioned in the Plan. Town Meeting's endorsement of the OSRP is essentially a blessing of the process of setting aspiration goal's and provides guidance on where to focus efforts over the next several years. The Planning Board respectively requests the Finance and Warrant Commission's favorable support of the 2019 Open Space and Recreation Plan and Town Meeting endorsement.

## **2 - Zoning Amendment Related to Accessory Retail Uses in the Highway Business zone**

This amendment was approved by Town Meeting in November 2017 and is being re-submitted after Attorney General Disapproval due to a minor procedural defect. The purpose of this article is to allow accessory retail uses within commercial buildings such as cafeterias, snack bars, gift shops, and vending machines in the Highway Business (HB) zoning district. The Zoning Bylaw currently allows this use in the Industrial (I), Industrial Office (IO) and Administrative-Research-Office (ARO) zoning districts but it is not currently allowed in the HB zone. In 2017, the Planning Board was asked to sponsor this zoning article at the request of a property owner in the HB zone that was currently marketing the building for an office use. This accessory use is intended to serve employees only and cannot have exterior advertising. The Planning Board voted on February 26, 2019 to recommend favorable action to the Finance and Warrant Commission.

## **3 - Zoning Amendment Related to Medical Uses**

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, the Planning Board discovered there were various types of 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 this 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 this 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 by special permit in the General Residence zone, which could leave Westwood vulnerable to a challenge.

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 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 establishment and is located near the I-128.

At the Planning Board's February 26<sup>th</sup> public hearing there was opposition to allowing a Hospital and Substance Rehabilitation or Treatment Facility by special permit in the ARO zone. The Planning Board discussed options to permit the described uses at other zoning districts and was open to revising the language, but the Board did not arrive at a consensus on final zoning language and a final recommendation has not been made at this time. The Planning Board has two meetings scheduled prior to your March 25 hearing and requests more time to report back with an update on this article.

#### **4 - Housekeeping Article**

This article pertains to housekeeping amendments to various sections of the Westwood Zoning Bylaw to correct errors or inconsistencies and to clarify such sections, and does not include any substantive changes. The Planning Board voted on February 26, 2019 to recommend favorable action to the Finance and Warrant Commission.

#### **5 - Zoning Amendment to increase Fence and Wall Height**

This article proposes to allow fences and walls to be allowed by-right (without a special permit) up to seven feet in height. The Zoning currently allows six feet by-right and requires a special permit from the Zoning Board of Appeals (ZBA) if a fence is over 6 feet in height. The Planning Board proposes this request to allow instances when a fence is raised at the bottom to allow wildlife to travel under in conservation resource areas. Fences between 7 ft. and up to 8 ft. will still require a special permit from the ZBA. The Planning Board voted on February 26, 2019 to recommend favorable action to the Finance and Warrant Commission.

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

This article was submitted to clarify the intent of the zoning to provide 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 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 a majority of properties have more than four vehicles. On February 26, the Planning Board discussed revised language, but the Board did not arrive at a consensus on final zoning language and a final recommendation has not been made at this time. The Planning Board has two meetings scheduled prior to your March 25 hearing and requests more time to report back with a proposed amendment or will formally withdraw this article.

#### **7 - Zoning Amendment to Residential Retirement Community Section (RRC)**

This article proposes changes to Section 8.4 of the Zoning Bylaw [Residential Retirement Community]. The Planning Board initially submitted this article to update this section to add an affordability requirement consistent with all other special permit sections of the Zoning Bylaw. In January, representatives from Fox Hill Village on Lowder Brook Drive (Westwood's only residential retirement and assisted living facility that falls under this section of the bylaw) approached planning staff about further revisions. Revisions included clarifying the general defining language, revising the building height to be more consistent with the way building height is measured, and a small density increase. The

Clark House, a 70-bed nursing facility in a two-story building, recently closed at Fox Hill Village. They would like to construct a new three-story building for approximately 24 units in its place. Fox Hill Village has requested these changes to clarify the zoning so they can pursue designing plans to be submitted for review and approval. The 65 ft. height is the height of the existing main building at Fox Hill Village. If more than eight units are proposed, this article would now require 15% of the units to be affordable where there is no affordability requirement presently. The Planning Board voted on February 26, 2019 to recommend favorable action to the Finance and Warrant Commission.

**Zoning Article Language**

**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												
	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	<del>N</del> Y	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 <del>doctor or dentist not a resident on premises</del> <u>Health Care Professional</u>	N	N	N	N	N	BA	N	Y	Y	Y	Y	Y	Y
4.1.5.23 <u>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>BA</u>	<u>BA</u>	<u>BA</u>
4.1.5.24 <u>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>N</u>	<u>N</u>	<u>BA</u>
4.1.5.25 <u>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>N</u>	<u>N</u>	<u>BA</u>

- 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.

- 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.

**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 ACCESSORY USES IN RESIDENTIAL DISTRICTS**

**DISTRICTS**

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB
4.3.3.2 The parking or storage area of more than three (3) motor vehicles, or of more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds, but only where in connection with a Principal Use on the same premises.	BA	BA	BA	BA	BA	BA	BA	N	N

**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 ~~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