

Received February 10, 2021 @8:30AM

Westwood Town Clerk

TOWN OF WESTWOOD

COMMONWEALTH of MASSACHUSETTS

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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 **Monday, March 1, 2021 at 7:00 p.m.** fully remote via Zoom, to consider the following proposed amendments to the Town of Westwood Zoning Bylaw and Official Zoning Map. More information including the proposed text and maps of the articles is available on the Planning Division's webpage under Current Plans and Applications at www.westwoodpermit.org.

The meeting will be filmed live by Westwood Media Center (WMC) available for viewing on Comcast channel 12, Verizon channel 42 and on WMC's YouTube channel. Those wishing to participate shall use Zoom by following the instructions below or by going to <https://zoom.us/> click on "join meeting" and enter the meeting webinar ID. You may participate with a computer, tablet, smartphone, or dialing in by phone.

Direct Zoom Link and enter Email and Name:

<https://us02web.zoom.us/j/89868097542?pwd=YlkzR3IKZWlYVWdRTWQyZlFOUHl3QT09>

Passcode: 832343

Or Toll-Free Telephone: 877 853 5257 or 888 475 4499

Webinar ID: 898 6809 7542

A final meeting agenda will be posted in advance. To view the meeting agenda and zoom information visit the calendar on the Town's website at: <https://www.townhall.westwood.ma.us/> or sign up to receive email notifications for Planning Board when meetings are posted at <https://www.townhall.westwood.ma.us/our-town/stay-connected/website-e-notification>

Article 1: **Zoning Map Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House**

To see if the Town will vote to approve certain amendments to the Official Zoning Map in order to facilitate the redevelopment and reuse of the Obed Baker House, by re-zoning the currently undeveloped parcel of land shown on Assessor's Parcel 21 as Lot 43 from Single Residence C (SRC) to Local Business A (LBA); and/or by re-zoning the Obed Baker House property at 909 High Street shown on Assessor's Parcel 21 as Lot 42 from Local Business A (LBA) to Single Residence C (SRC); and/or to overlay these two parcels with the

Flexible Multiple Use Overlay District 7 (FMUOD 7/High Street Business District); and/or to overlay these two parcels with the Upper Story Residential Development Overlay District (USROD); and to approve certain related amendments to the text of the FMUOD and/or USROD sections of the Westwood Zoning Bylaw, as set forth in each of the following Options A, B, C, or D, or take any other action in relation thereto:

Option A:

Zoning Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House

To see if the Town will vote to approve certain amendments to the Official Zoning Map by re-zoning the currently undeveloped parcel of land shown on Assessor's Parcel 21 as Lot 43 from Single Residence C (SRC) to Local Business A (LBA), or take any other action in relation thereto.

OR

Option B:

Zoning Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House

To see if the Town will vote to approve certain amendments to the Official Zoning Map by re-zoning the Obed Baker House property at 909 High Street shown on Assessor's Parcel 21 as Lot 42 from Local Business A (LBA) to Single Residence C (SRC), or take any other action in relation thereto.

OR

Option C:

Zoning Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House

To see if the Town will vote to approve certain amendments to the Official Zoning Map and Zoning Bylaw, as follows; or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

- 1) Change the zoning designation of the currently undeveloped parcel of land shown on Assessor's Parcel 21 as Lot 43 from Single Residence C (SRC) to Local Business A (LBA).
- 2) Overlay Assessor's Parcel 21, Lots 42 and 43 with the Flexible Multiple Use Overlay District 7 (FMUOD 7/High Street Business District).
- 3) Amend Section 9.5.2 [Location] to read as follows:

9.5.2 **Location.** ~~Five-Seven~~ distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 and FMUOD 5 - 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 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 Church~~ Street.

OR

Option D:

Zoning Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House

To see if the Town will vote to approve certain amendments to the Official Zoning Map and Zoning Bylaw, as follows; or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

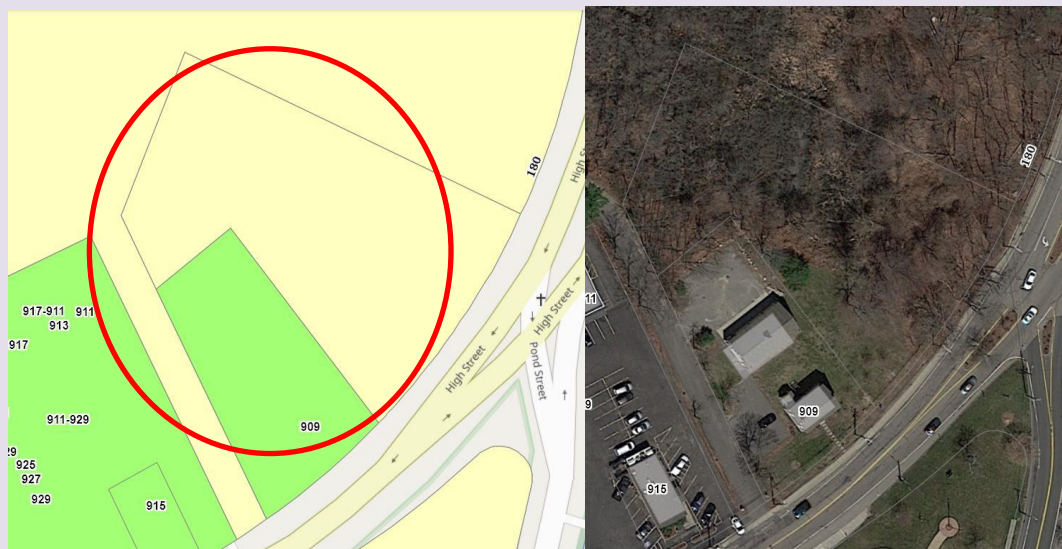
- 1) Change the zoning designation of the currently undeveloped parcel of land shown on Assessor's Parcel 21 as Lot 43 from Single Residence C (SRC) to Local Business A (LBA).
- 2) Overlay Assessor's Parcel 21, Lots 42 and 43 with the Upper Story Residential Overlay District (USROD).
- 3) Amend Section 9.6.2 [Location] to read as follows:

9.6.2 **Location.** The USROD is herein established as an overlay district. The USROD shall include all properties fronting on High Street, between Barlow Lane and ~~GayChurch~~ Street, which were improved with one or more buildings and were either municipally-owned as of January 1, 2011 or are municipally-owned at the time of application.

Article 1 Summary: Zoning Amendments Related to Town-owned Property on High Street in the vicinity of the Obed Baker House

This proposed warrant article would alter the zoning of parcels of land on High Street in the vicinity of the Obed Baker House in order to permit the rehabilitation and reuse of the Obed Baker House in accordance with a proposal solicited through a request for Proposals (RFP) issued by the town.

909 High St. Parcel 12, Lot 042 and High St. Parcel 21, Lot 043



Because proposals in response to the RFP have not yet been received, and proposed uses of the property are not yet known, this article has been drafted with four distinct options. Only one of these options will be presented for consideration by Town Meeting if needed to pursue the redevelopment of the Obed Baker House in accordance with a selected proposal.

Article 2: **Zoning Amendment Relative to Temporary Structures and Uses**

To see if the Town will vote to approve certain amendments to the Zoning Bylaw affecting Section 4.1.7.4 within the Table of Principal Uses, as follows, or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

- 1) Amend Section 4.1.7.4 as follows:

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PLANNING BOARD

Principal Use	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years ¹²	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

2) Amend Section 4.2 [Notes for Table of Principal Uses], by adding a new Note 12 as follows, and renumber subsequent notes as appropriate:

¹² Except that short-term temporary uses or structures not otherwise prohibited, may be granted administrative approval for a period of up to six (6) months, at the discretion of the Building Commissioner. An application for administrative approval of a short-term temporary use or structure shall include a site plan and written description, including proposed timeframe, hours of operation, and anticipated parking needs. Applications for administrative approvals of short-term temporary uses or structures shall be distributed to the Town Administrator, Town Planner, and Select Board for review and comment prior to approval. Following approval, the Building Commissioner may permit one (1) extension for an additional period of up to six (6) months, but no temporary use or structure shall be allowed to continue beyond one (1) year unless in conformance with a special permit granted by the Zoning Board of Appeals.

Article 3: Zoning Amendment Relative to Fire Arms/Explosives Sales and Services

To see if the Town will vote to approve certain amendments to the Zoning Bylaw affecting Section 4.1.5.41 Fire Arms/Explosives Sales and Services within the Table of Principal Uses, as follows, or take any other action in relation thereto:

Carby Street Municipal Building • 50 Carby Street • Westwood, MA 02090
www.westwoodma.gov/planning

(New language shown in underlined red font, language to be removed shown in strikethrough.)

1) Amend Section 4.1.5.41 as follows:

PRINCIPAL USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.41 Fire Arms/Explosives Sales and Services	N	N	N	N	N	N	N	<u>BA</u> N	<u>BA</u> N	BA	B A	N	N

Article 4: Zoning Amendments Related to Medical Uses

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to various medical uses by amending Section 2.0 [Definitions] and Section 4.1.5 [Table of Principal Uses – Commercial Uses], and by adding a new Section 9.8 [Medical Facility Overlay District (MFOD)], as follows, or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

1) Revise definitions in Section 2.0 [Definitions] for “Medical Center or Clinic” and “Office of Health Care Professional” to read as:

Medical Center or Clinic A building designed and used for the diagnosis and treatment of human patients, which contains two or more offices of health care professionals not operating as a single practice, and which building does not include substance rehabilitation or overnight care facilities is neither a Hospital nor a 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.

- 3) Add a new Section 9.8 [Medical Facility Overlay District] as follows, and renumber subsequent notes as appropriate:

9.8 MEDICAL FACILITY 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, 2021:

Parcel 06-017 (100-200 Lowder Brook Drive);
Parcel 06-018 (2-20 Longwood Drive).

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 Hospital;

9.8.4.2 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 Procedures. An application for a MFOD special permit shall be filed in conformance with the rules and regulations of the Board of Appeals.

9.8.8 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, and anticipated implications of the

proposed development and operation on the Town’s resources and fiscal position. 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, Payment in Lieu of Taxes (PILOT) agreements, 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.

9.8.9 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 Professional”, and by adding a new Section 4.1.5.23 “Medical Center or Clinic”, a new Section 4.1.5.24 “Hospital”, and a 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>N¹⁰</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>N</u>	<u>N</u>	<u>N¹¹</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>N</u>	<u>N</u>	<u>N¹¹</u>

- 5) Amend Section 4.2 [Notes for Table of Principal Uses] by adding new Notes 10 and 11 as follows, and renumber subsequent notes as appropriate:

¹⁰ Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (UAMUD)] and limited to those properties specifically listed within the UAMUD.

¹¹ Except in accordance with a special permit issued pursuant to Section 9.8 [Medical Facility Overlay District (MFOD)] and limited to those properties specifically listed within the 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:

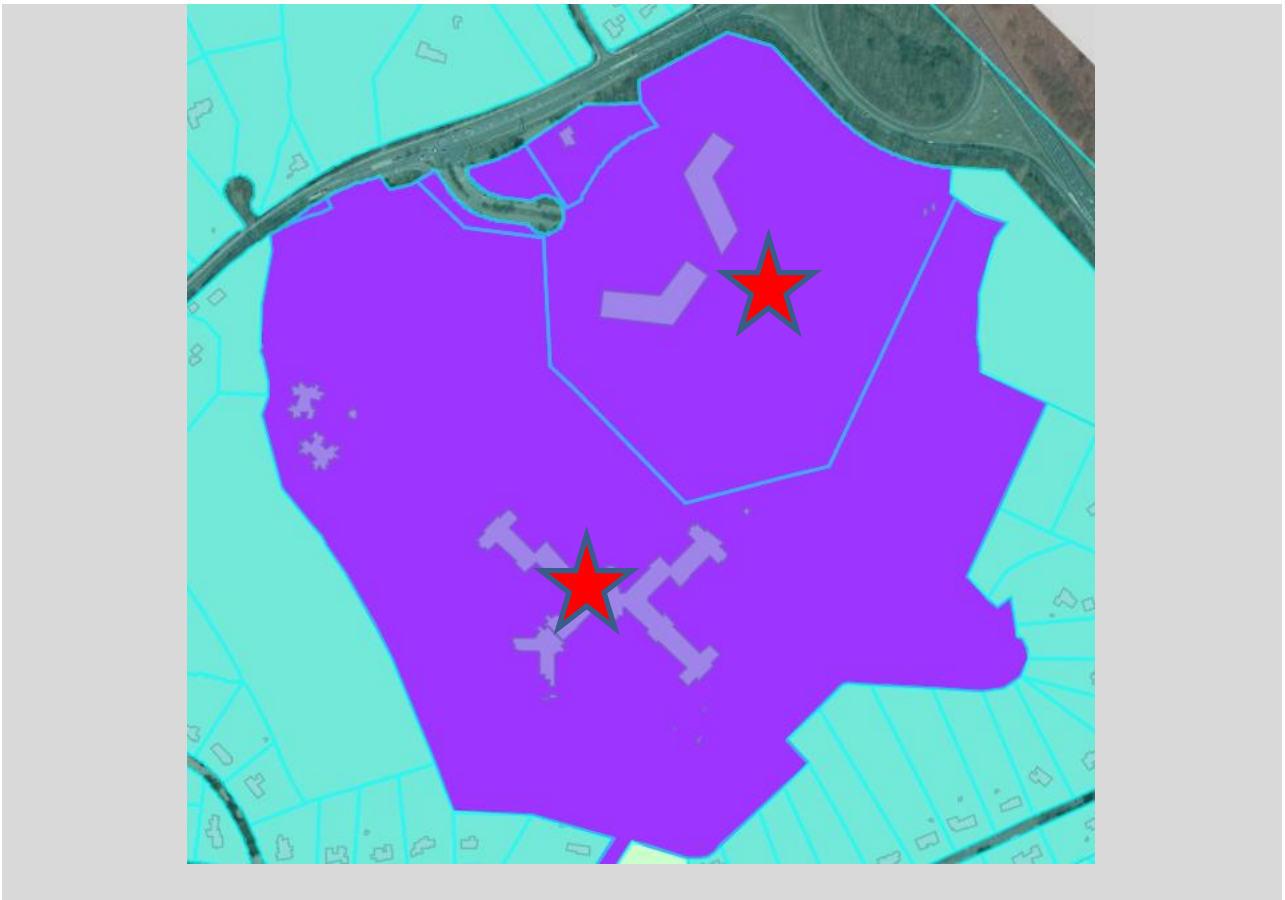
9.5.8.1.9 ~~Office of doctor or dentist~~ Office of Health Care Professional

- 7) Amend the Official Zoning Map to add a Medical Facilities Overlay District (MFOD) over Assessor’s Parcel 06-107 known as 100-200 Lowder Brook Drive and Assessor’s parcel 06-018 known as 2-20 Longwood Drive.

Parcel 06-017 (100-200 Lowder Brook Drive); and
Parcel 06-018 (2-20 Longwood Drive).

Article 4 Summary: Zoning Amendments Related to Medical Uses

The purpose of this article is to clarify distinctions among various types of medical uses and to specify where those uses may be permitted in Town.



The Zoning Bylaw presently references differing terms for medical uses, some of which are not clearly defined and some of which are not presently included in the Use Table, including the terms “Office of Health Care Professional”, “Hospital”, “Medical Center or Clinic”, and “Substance Rehabilitation or Treatment Facility”. The purpose is to clearly regulate where these uses can and cannot go to eliminate any future challenges from these proposed uses.

Article 5: **Housekeeping Article**

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 any errors or inconsistencies and/or to clarify sections, including the following specific corrections and any others that may be discovered prior to the conclusion of the public hearing, or take any other action in relation thereto:

(New language shown in underlined red font, language to be removed shown in strikethrough.)

- 1) Amend Section 4.1.3.4 to renumber the section reference from 8.4 to 8.3 as follows:

Principal Use	DISTRICTS
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	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3.4 Senior Residential Development per Section 8.43	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N

2) Amend Section 4.1.3.5 to renumber the section reference from 8.5 to 8.4 as follows:

Principal Use	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3.5 Residential Retirement Community per Section 8.54	N	N	N	N	N	N	N	N	N	N	N	N	BA

3) Replace the term “Board of Selectmen” with the term “Select Board” throughout the Zoning Bylaw.

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” and under “Current Planning Board Applications”, at www.townhall.westwood.ma.us and www.westwoodpermit.org or on meeting calendar on the homepage for the meeting date here: www.townhall.westwood.ma.us/ Interested persons are encouraged to attend the public hearing and will be given an opportunity for public comment.

Westwood Planning Board

<i>Boston Globe Advertising Dates:</i> Friday, February 12, 2021 and Friday, February 19, 2021
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