



Zoning

A Proactive Planning Tool
for our Community

March 1, 2021 Public Hearing

Zoning in Westwood

- ▶ 3 Branch system of checks & balances much like our federal government structure (legislative, judicial, executive)
 - ▶ **Planning Board:** Creates and carries out policy
 - ▶ Creates zoning recommendations for adoption at town meeting
 - ▶ Hears and rules on special permits
 - ▶ **Zoning Board of Appeals:** Adjudicates appeals related to zoning where use is not clearly defined and thus open to challenge
 - ▶ **Town Planner & Building Commissioner:** Enforces existing regulations and/or any special permits/variances

Key Concept 1: Retain Control

- ▶ Proactive Planning Tool to Protect & Preserve while improving our town
 - ▶ Define how property may be used
 - ▶ Where defined uses may locate

Key Concept 2: Fail to plan. Plan to fail.

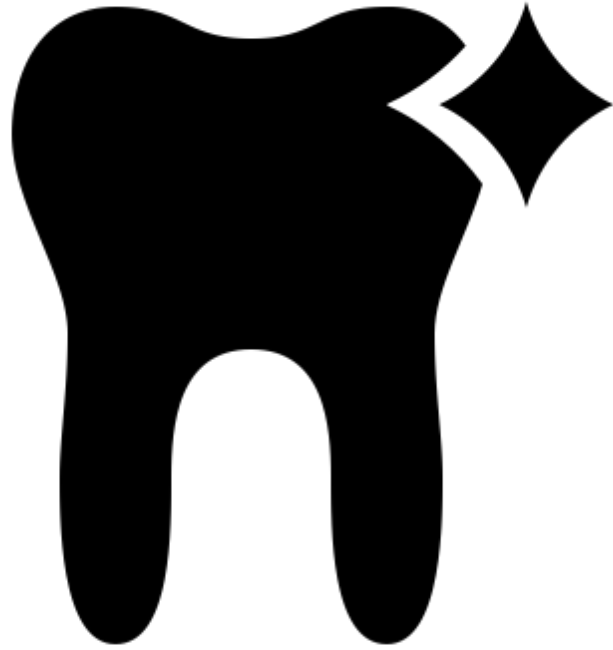
- ▶ Absence of a zone being specified as to where a defined use may locate does not mean that use may not locate in town.
- ▶ In fact, it means it may locate or be proposed anywhere in town

Two era's of zoning medical uses

1954

2013

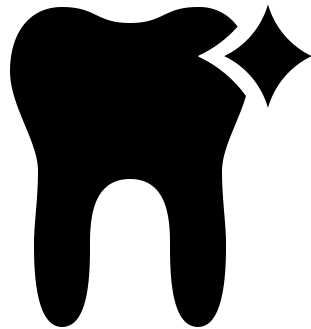




Pre-University Station - Single Medical Use Term

Office of Doctor of Dentist not a resident on premises

Post-University Station - Three Use Terms



- ▶ Office of Doctor of Dentist not a resident on premises
- ▶ Office of a Health Care Professional
- ▶ Medical Center or Clinic

Working Group

Town Planner, Abby McCabe convened a working group comprised of residents from all areas of town who brought helpful perspectives to the discussion on the Medical Use zoning bylaw. Group met multiple times in Q4.2020.

Areas represented

- ▶ Islington
- ▶ East Street
- ▶ Downey
- ▶ University Station
- ▶ Martha Jones/Sheehan
- ▶ High Street

Group Member Experience

- ▶ Public Safety
- ▶ Nursing
- ▶ Mental Health
- ▶ Commercial Real Estate
- ▶ Business
- ▶ Zoning

Topics of Discussion

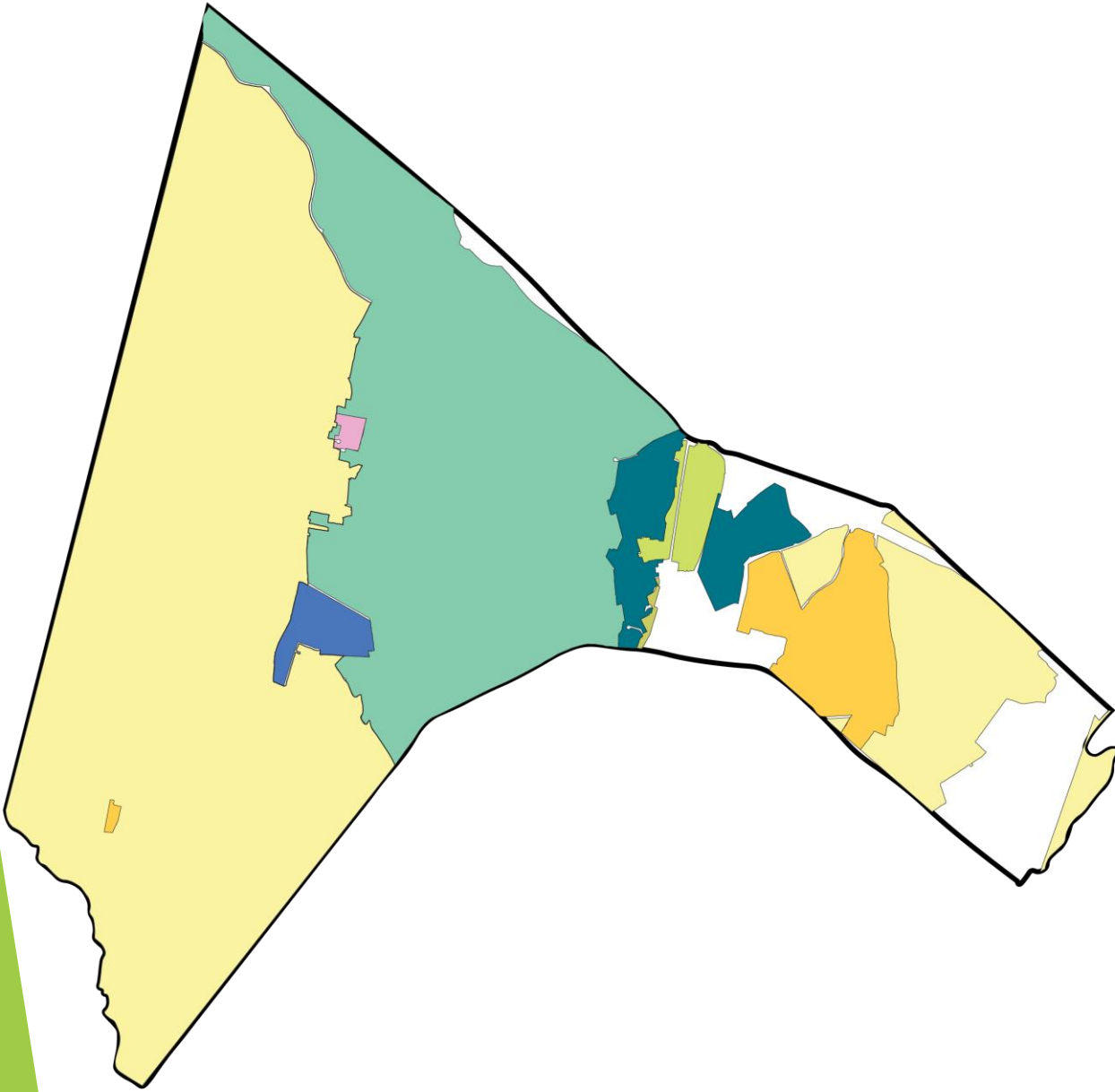
- ▶ Assessing the need?
 - ▶ Review of current definitions and zoning district specifications
 - ▶ Review and interpretation of MGL 40 and protected classes
- ▶ Do we want to retain control?
- ▶ Are there areas where these uses should not be allowed?
- ▶ What are the remaining options once those are eliminated?
- ▶ Other considerations?
- ▶ Which options make the most sense?
- ▶ Recommendations:
 - ▶ Clarifying definition of uses
 - ▶ Zoning Bylaw Recommendation



Westwood - Base Map Perimeter

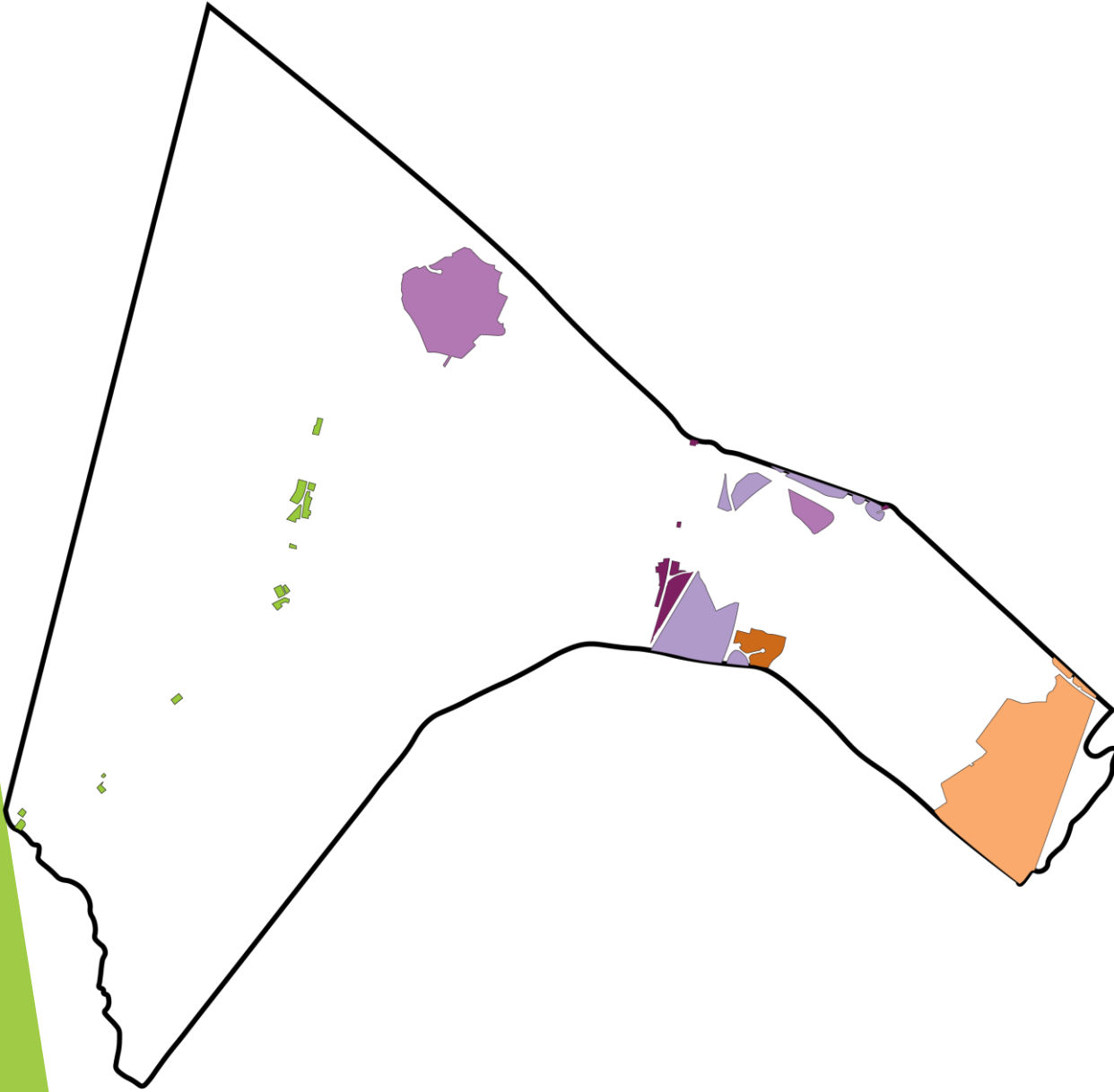
Residential Districts

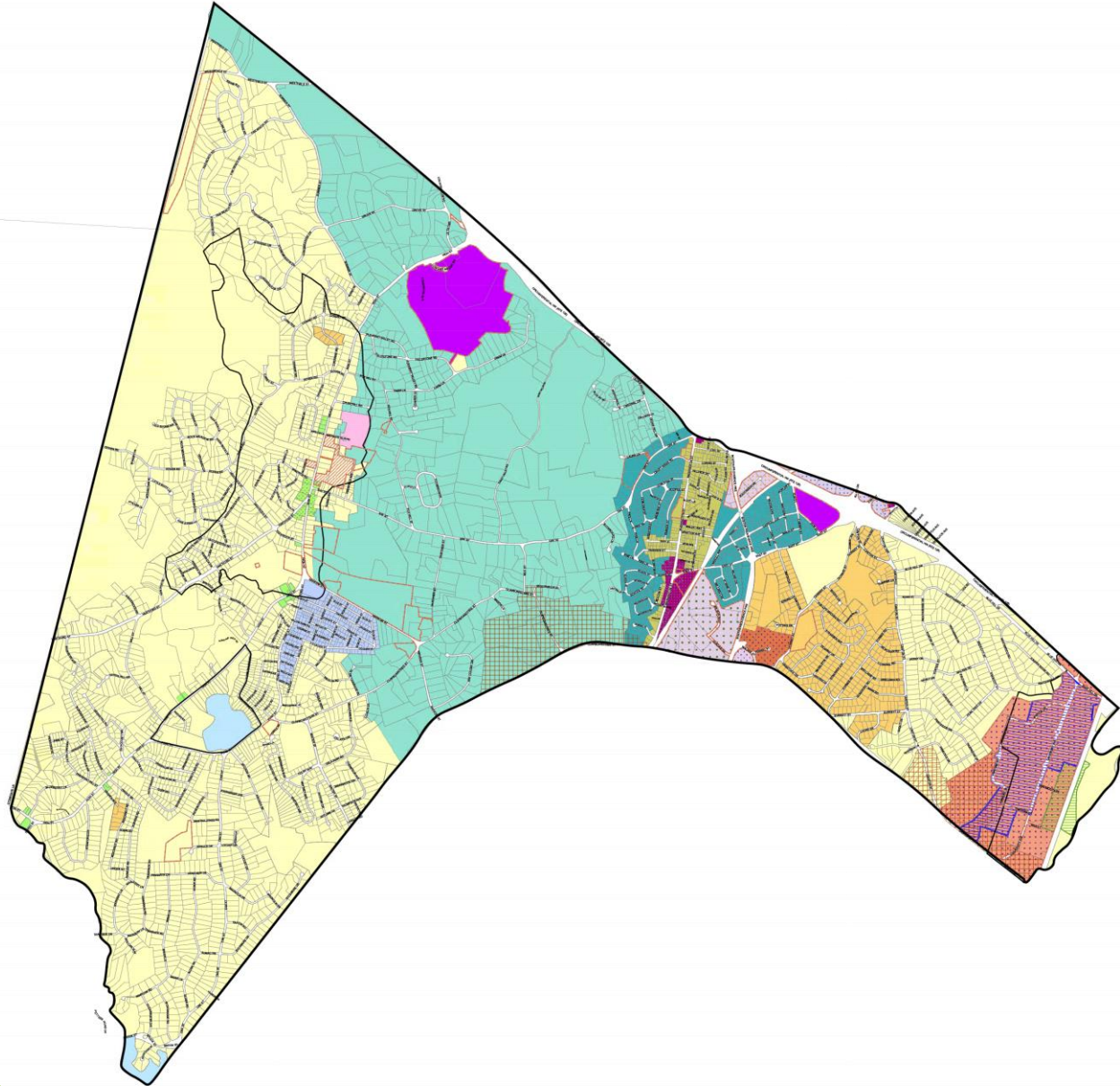
- ▶ Single Residence A
- ▶ Single Residence B
- ▶ Single Residence D
- ▶ Single Residence E
- ▶ Special Residence
- ▶ General Residence



Non-Residential Districts

- ▶ Local Business A
- ▶ Local Business B
- ▶ Industrial
- ▶ Industrial Office
- ▶ Highway Business
- ▶ Admin - Research - Office





All Districts

- ▶ Residential
- ▶ Non-Residential
- ▶ Mixed Use Overlays

Mass. General Law 40A:

- ▶ Reviewed and discussed section of **M.G.L. 40A, Sec. 3** regarding protected classes of citizens:

*"Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a city or **town shall not discriminate against a disabled person.** Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination. The provisions of this paragraph shall apply to every city or town, including, but not limited to the city of Boston and the city of Cambridge."*

Undefined uses with designated zones

- ▶ Office of Doctor of Dentist not a resident on premises
 - ▶ *not defined* in the Definitions section of Zoning Bylaw but the Table of Use chart *does* specify where this use is and is not allowed

Defined uses without designated zones

- ▶ **Office of a Health Care Professional**
 - ▶ Is defined in the Definitions section of Zoning Bylaw but the Table of Use chart does not specify where this use is and is not allowed
- ▶ **Medical Center or Clinic**
 - ▶ defined in the Definitions section of Zoning Bylaw but the Table of Use chart does not specify where this higher intensity medical use is and is not allowed

Undefined uses without designated zones



▶ Hospitals

- ▶ not defined in the Definitions section of Zoning Bylaw and the Table of Use chart does not specify where this higher intensity medical use is and is not allowed

▶ Substance Rehabilitation and Treatment Facility

- ▶ not defined in the Definitions section of Zoning Bylaw and the Table of Use chart does not specify where this higher intensity medical use is and is not allowed

Refining use terms and definitions

To allow for greater control and specificity of where each may locate in town.

Current:

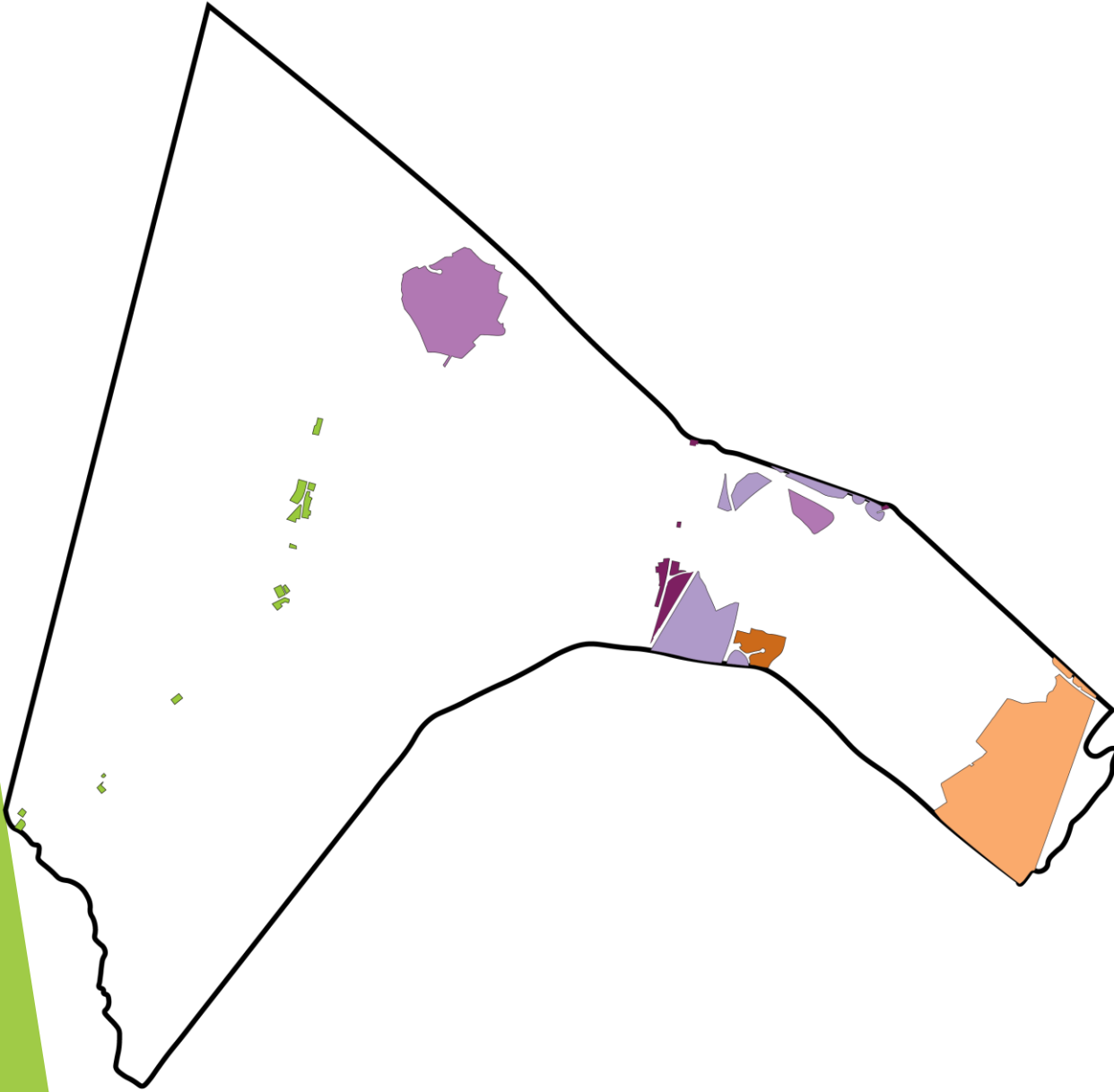
- ▶ **Office of Doctor or Dentist not a resident on premises**
- ▶ **Office of a Health Care Professional**
 - ▶ *An office for a medical doctor, dentist, psychologist, chiropractor, acupuncturist, or similar physical or mental health care professional, including clinical and laboratory analysis activities directly associated with such medical office use, but excluding offices within Medical Centers or Clinics.*
- ▶ **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.*

Proposed, Revised 3-01-2021:

- ▶ **Office of a 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.*
- ▶ **Medical Center or Clinic**
 - ▶ *A building, or portion thereof, design or 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 is neither a Hospital nor a Substance Rehabilitation or Treatment Facility.*
- ▶ **Hospital**
 - ▶ *A building designed and used for the diagnosis and treatment of human patients that includes overnight care facilities.*
- ▶ **Substance Rehabilitation & Treatment Facility**
 - ▶ *A building, or portion thereof, designed or used for the diagnosis and treatment of human patients for substance rehabilitation and/or treatment.*

Topics of Discussion

- ▶ Do we agree we have need?
 - ▶ Review of current definitions and zoning district specifications
 - ▶ Review and interpretation of MGL 40 and protected classes
- ▶ Do we want to retain control?
- ▶ Are there areas-where these uses should not be allowed?
- ▶ What are all the options once those are eliminated?
- ▶ Other considerations?
- ▶ Which options make the most sense?
- ▶ Recommendations:
 - ▶ Clarifying definition of uses
 - ▶ Zoning Bylaw Recommendation



Residential Districts Excluded

Additional considerations



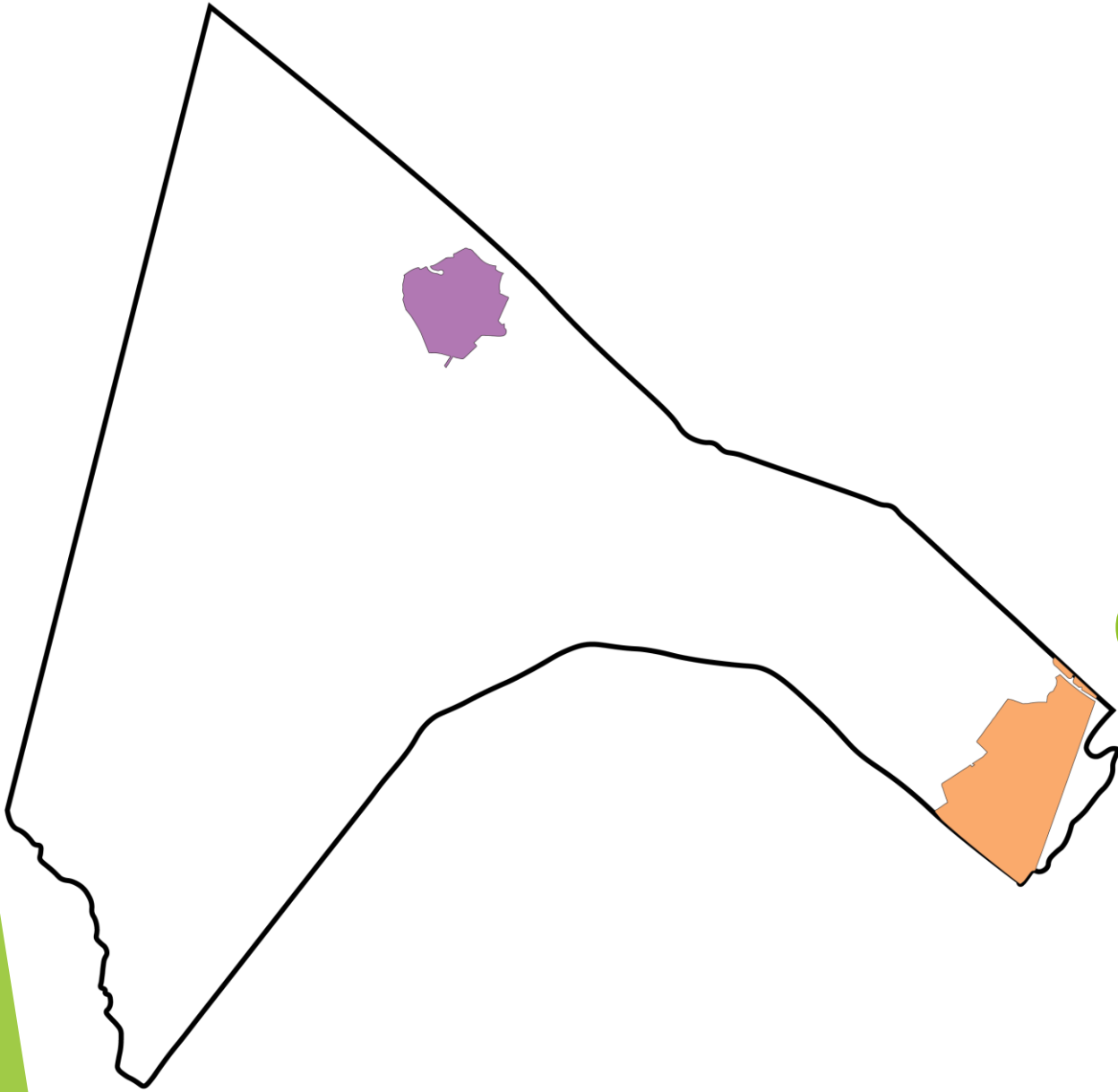
Split tax rate:
commercial/residential



Non-profit impact



P.I.L.O.T. agreement(s)
(payment in lieu of taxes)



Remaining Districts Following Discussion of Considerations

Topics of Discussion

- ▶ Do we agree we have need?
 - ▶ Review of current definitions and zoning district specifications
 - ▶ Review and interpretation of MGL 40 and protected classes
- ▶ Do we want to retain control?
- ▶ Are there areas where these uses should not be allowed?
- ▶ What are all the options once those are eliminated?
- ▶ Other considerations?
- ▶ Which options make the most sense?
- ▶ Recommendations:
 - ▶ Clarifying definition of uses
 - ▶ Zoning Bylaw Recommendation

Original 2021 Summary Recommendation

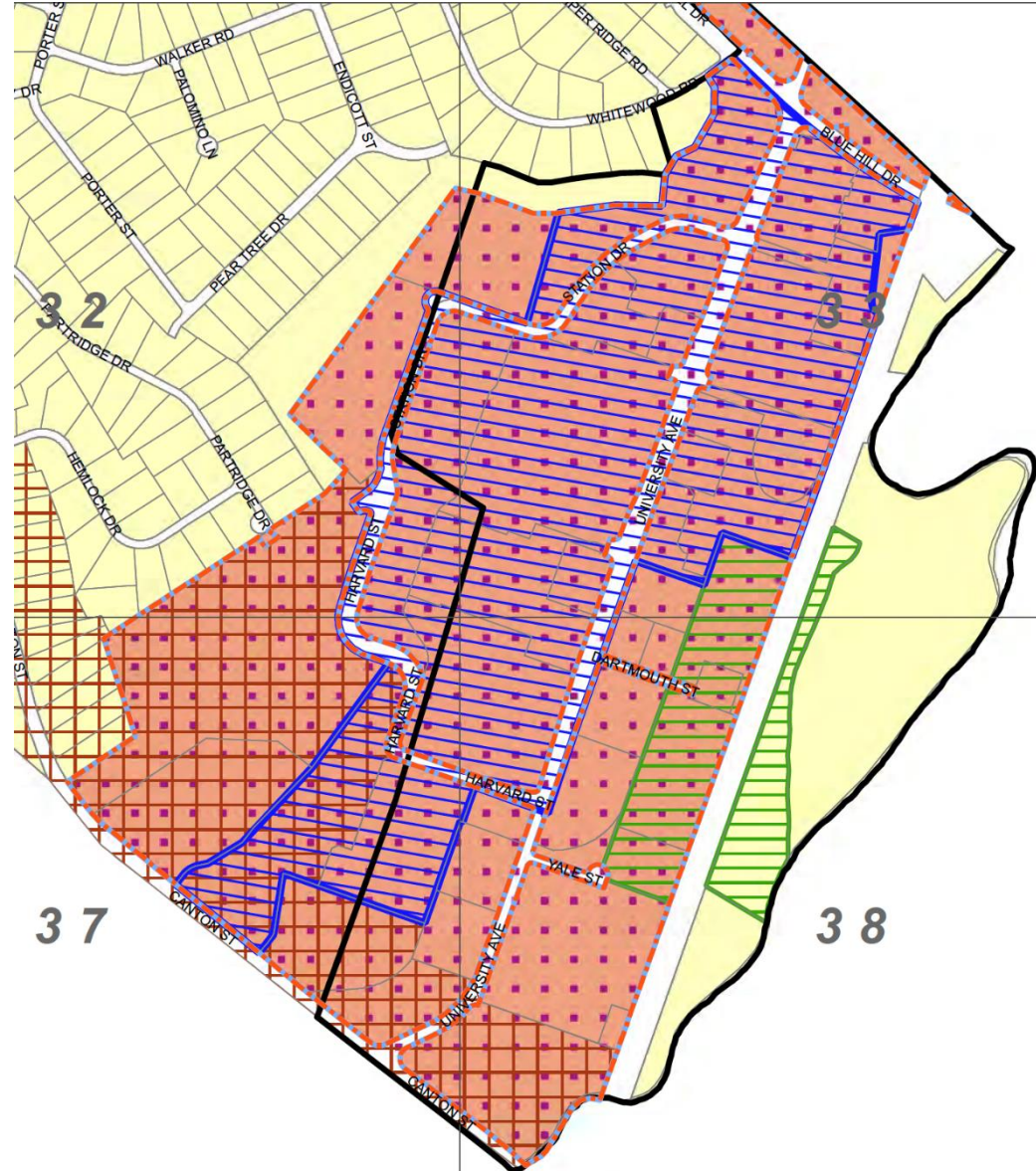
- ▶ Create a new **medical facilities overlay district** over a portion of the area on Lowder Brook Drive and Longwood Drive (where Fox Hill Village & Meditech are now) that would allow Hospitals and Substance Treatment Facilities only by special permit from the Zoning Board of Appeals in the new overlay district.
- ▶ Medical Centers or Clinics would be only allowed in the University Station district subject to the existing Master Development Plan and would need Planning Board approval
- ▶ Concerns raised during February 23 Planning Board meeting from representatives of the Fox Hill Village.

Reconsideration of Alternatives

Based on community feedback

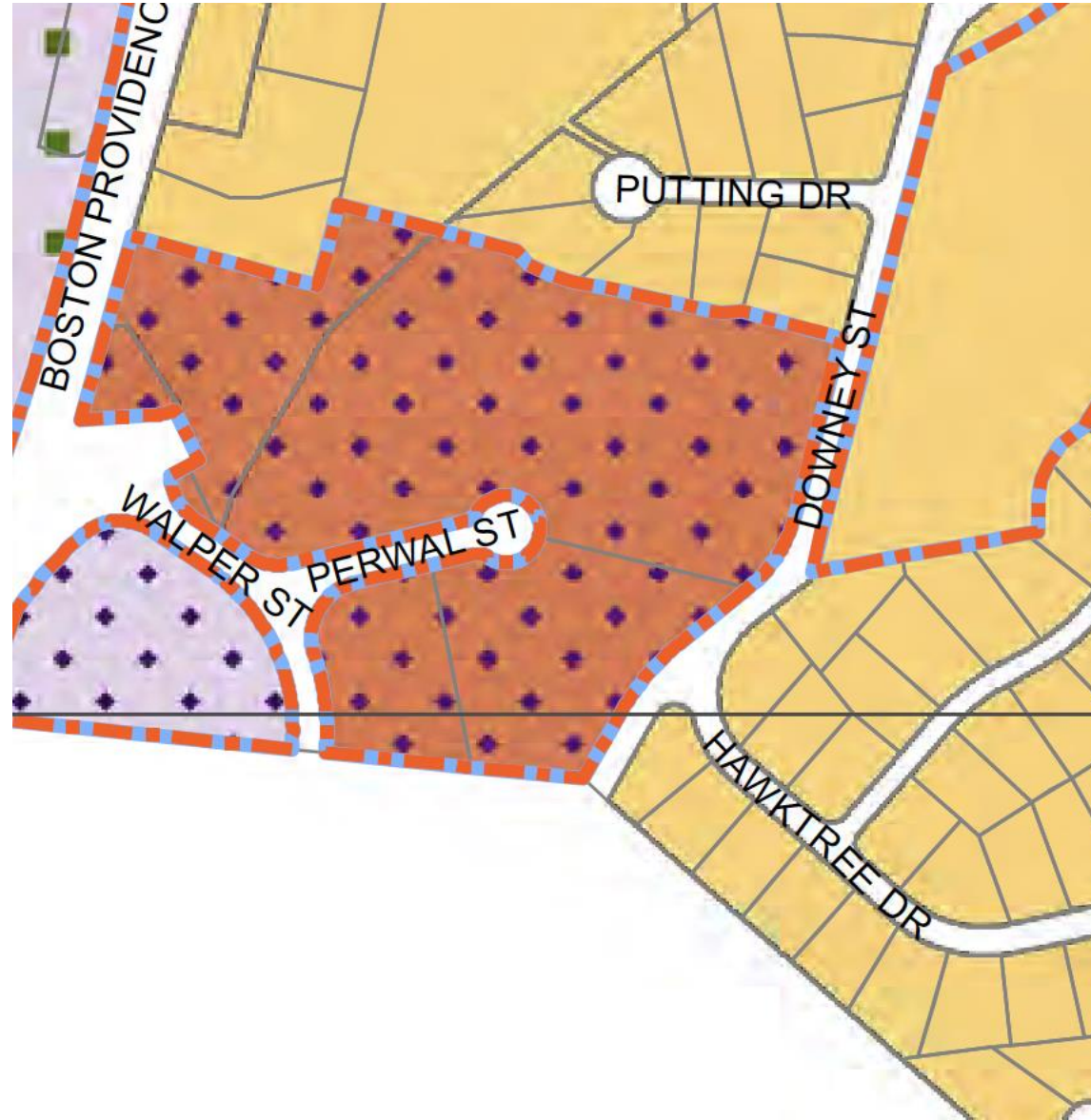
University Avenue

- Currently excluded from Univ. Station UAMUD
- Would likely draw significant opposition from both University Station residents and the abutting neighborhoods
- Tax implications



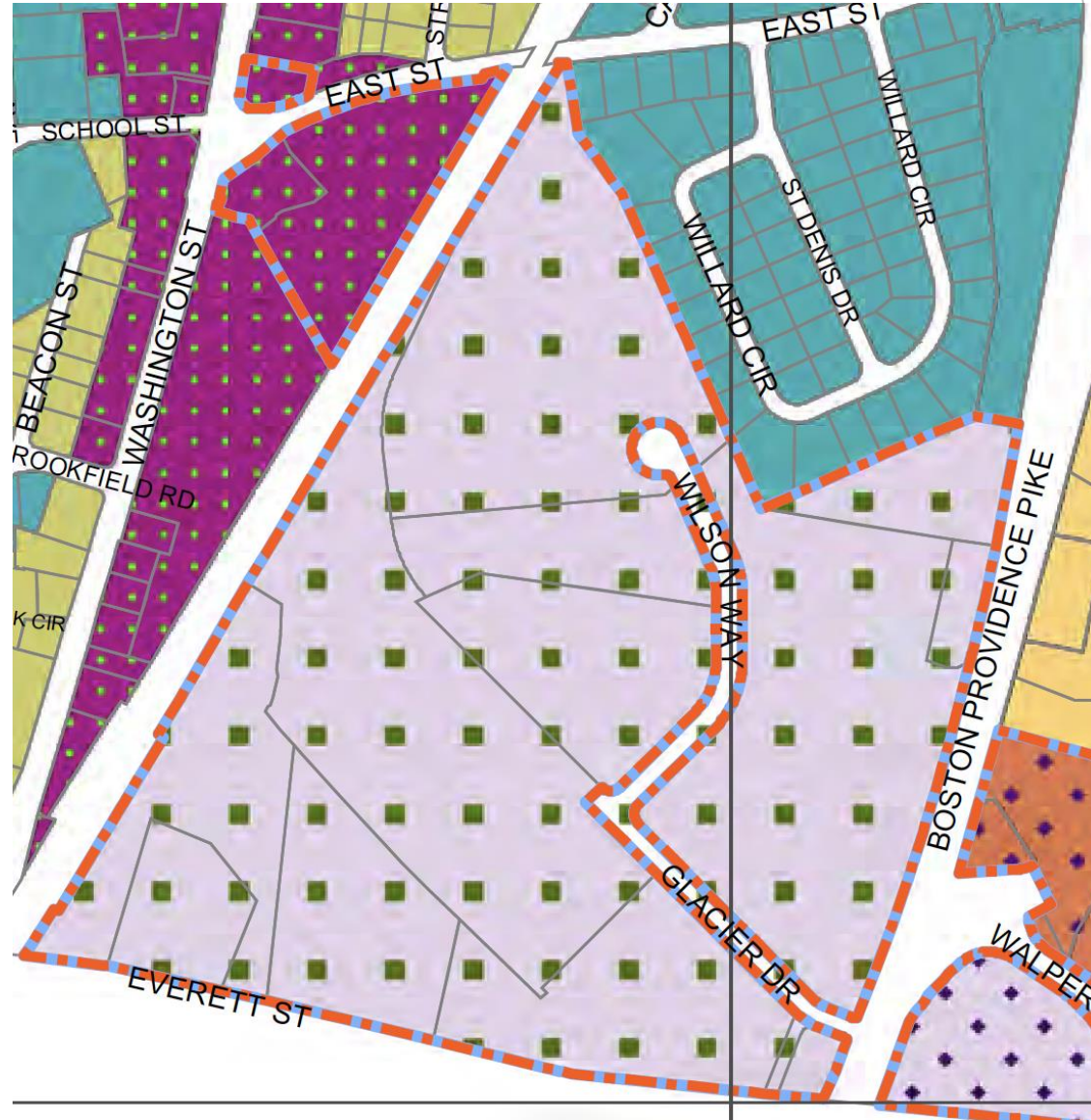
Perwal/Walper

- Would likely draw significant opposition from the abutting Downey School neighborhoods
- Tax implications



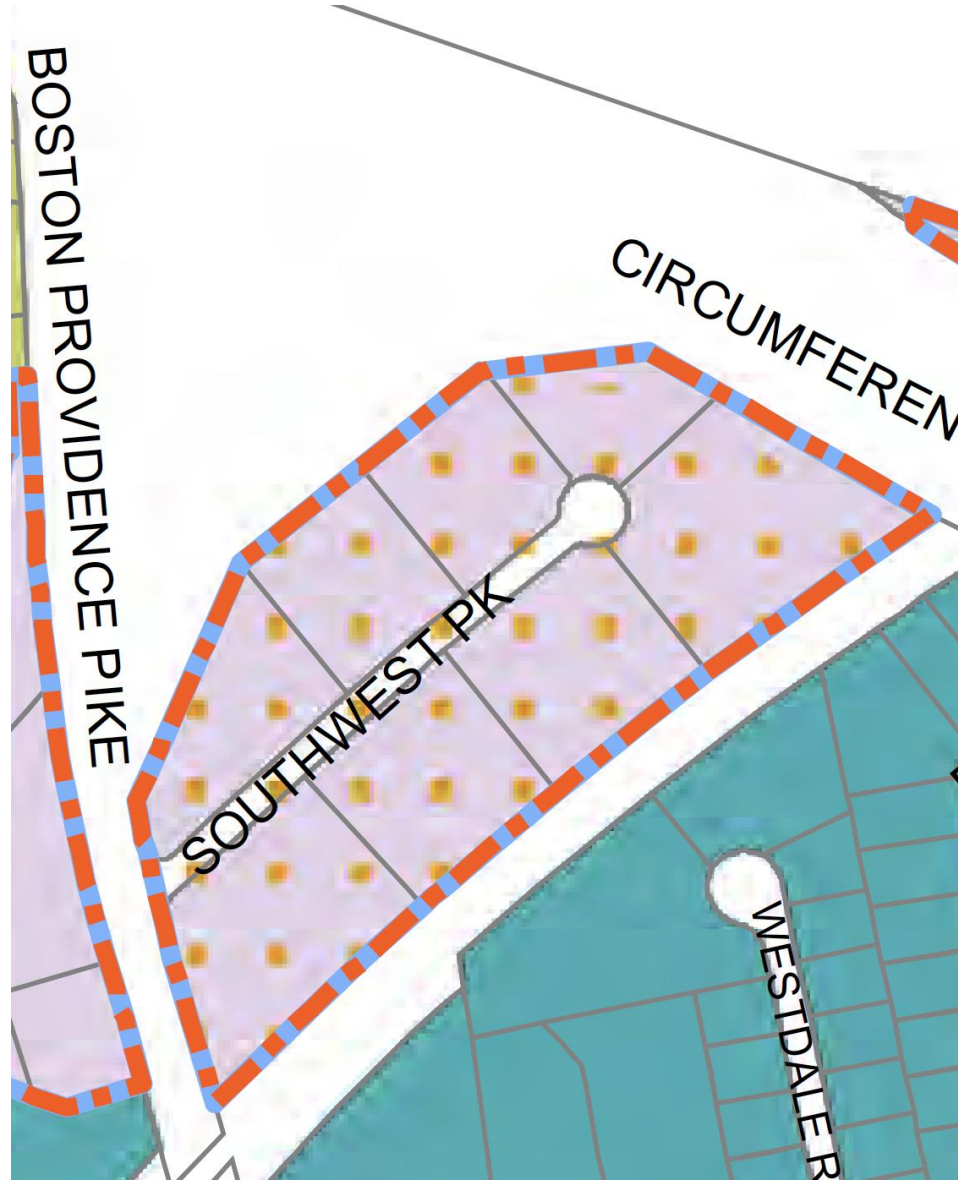
Glacier Drive/Winslow Way

- Would likely draw significant opposition from the abutting Willard Circle neighborhood
- Property ownership fractured - increases potential for development
- Tax implications



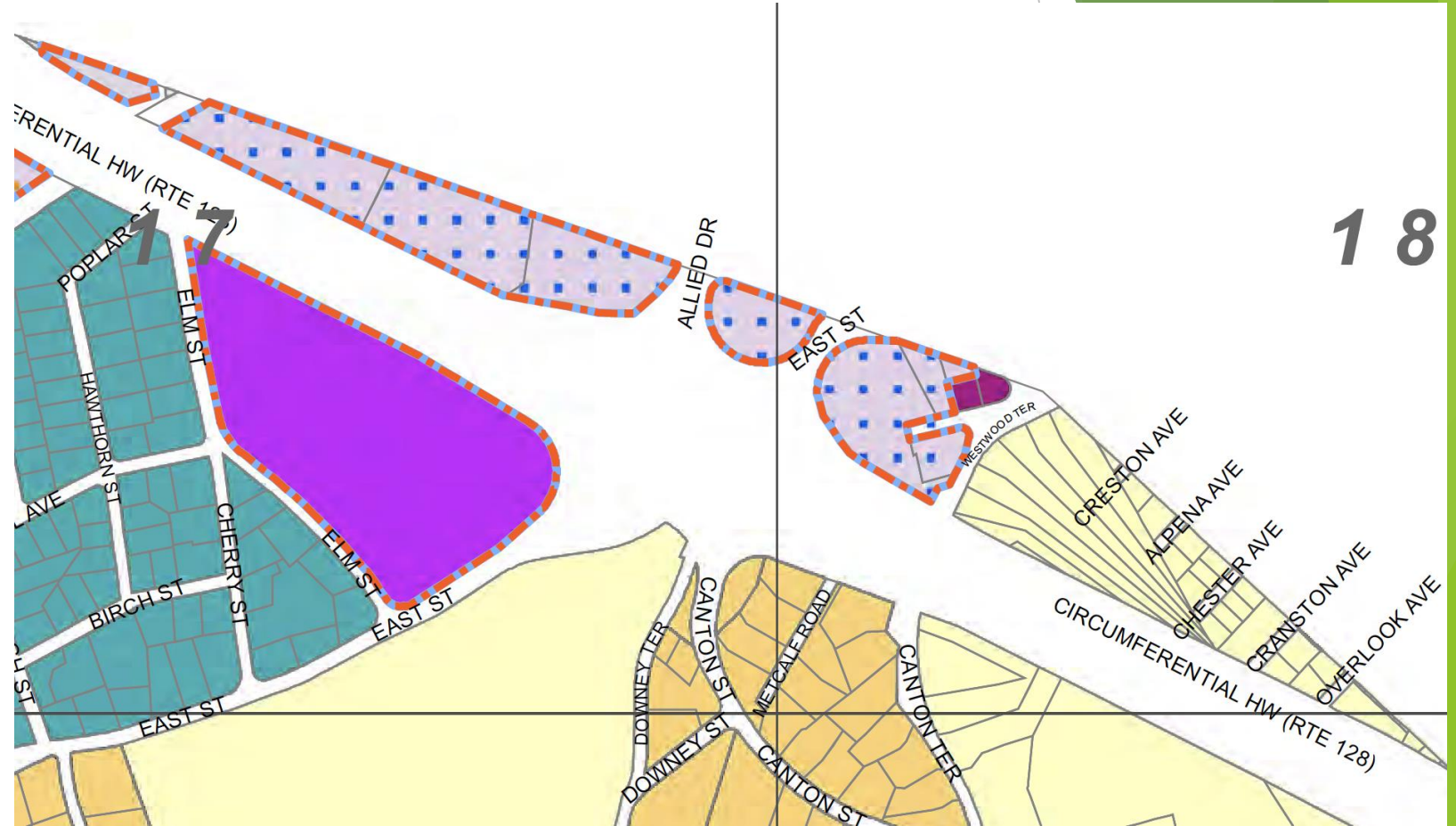
Southwest Park

- Tax considerations



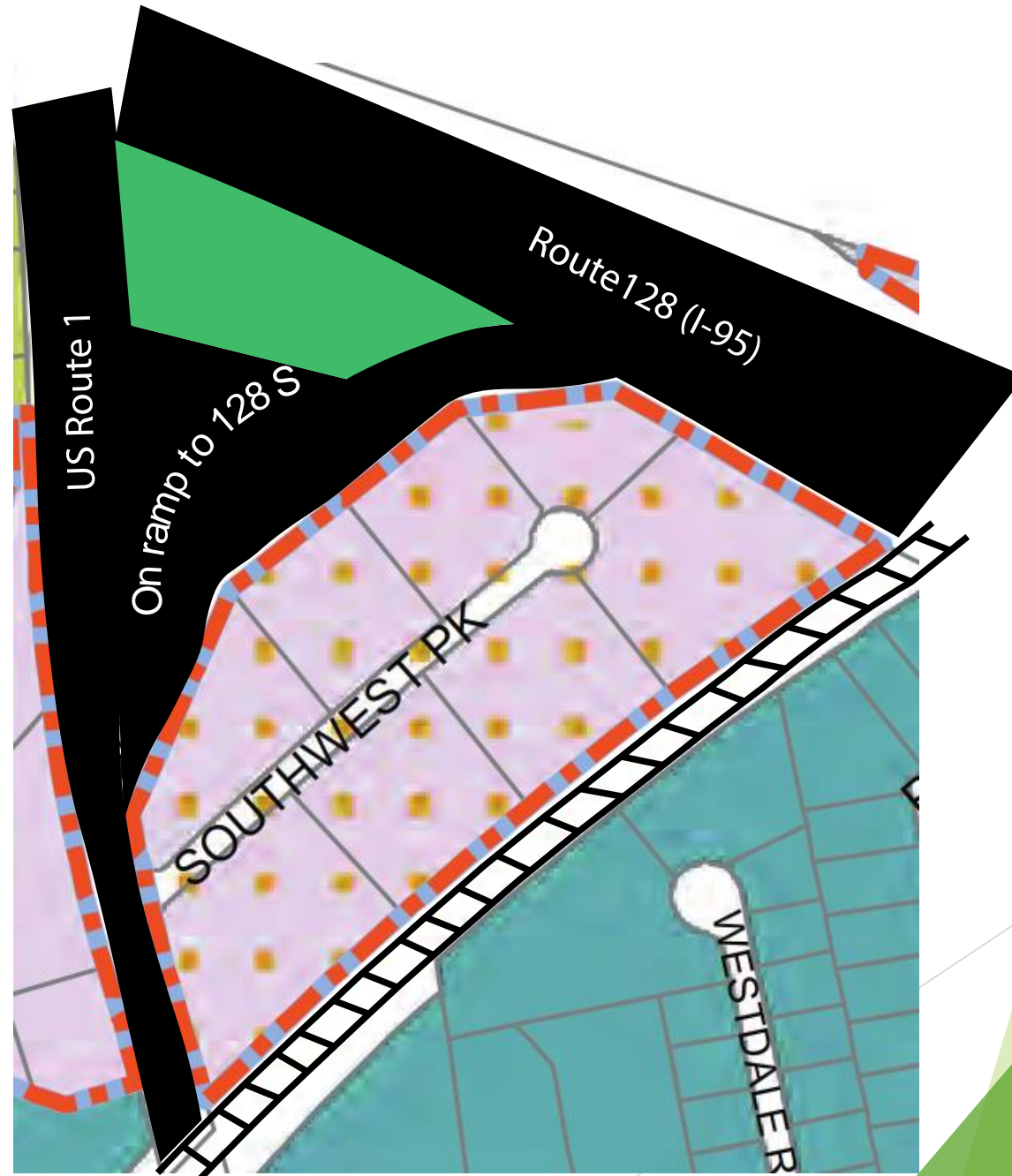
Allied Drive

- Would likely draw significant opposition from the abutting neighborhood who had been opposed to the ARO on East Street
- Tax considerations



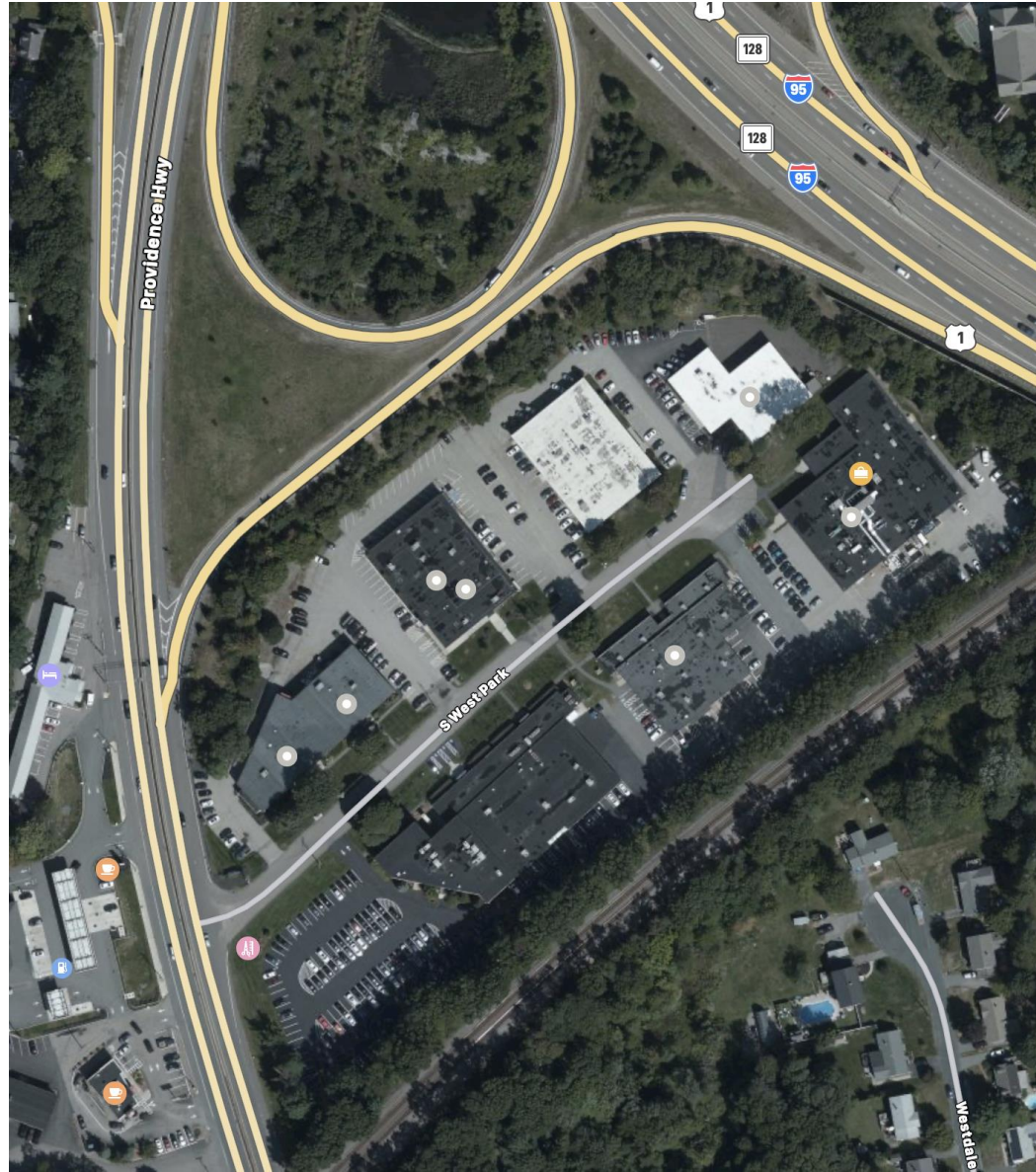
Southwest Park

- Quite literally an island
- Bounded on all sides by roads and railways



Southwest Park - Satellite view

- Quite literally an island
- Bounded on all sides by roads and railways



Alternate Plan

The right side of the slide features a decorative graphic composed of several overlapping, semi-transparent green triangles and polygons. The colors range from a light, pale green to a dark, forest green. The shapes are arranged in a way that creates a sense of depth and movement, with some shapes appearing to be layered in front of others. The overall effect is a modern, abstract design element.

Retaining Control of Use & Conditions

Bounded location

+

Special Permit Requirements

= Retained Control

Proposed special use requirements:

- Size & scale
- Traffic - entrance/egress
- Staffing/security
- Lighting
- Hazmat disposal

Split current article into 3 articles

- ▶ Article A to clean up definitions & puts Medical Centers/Clinics at Univ. Station UAMUD
- ▶ Article B - disallowing hospitals in any zone
- ▶ Article C - creating new Substance Rehabilitation Facility Overlay District located in Southwest Park subject to ZBA Special Permit Restrictions

Why split the article?

- Provides solution with protection
- Gives voters greater choice

REVISED Proposed Zoning Warrant - 3 Parts

ARTICLE A - Zoning Amendment Related to Medical Uses - Medical Centers or Clinics and Offices of Health Care Professional

- ▶ 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” 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>N</u> ¹⁰	<u>N</u>	<u>N</u>

REVISED Proposed Zoning Warrant Article

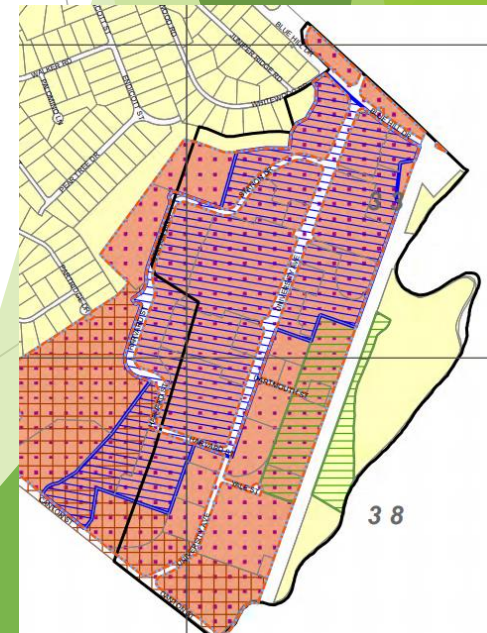
ARTICLE A- Zoning Amendment Related to Medical Uses - continued

Amend Section 4.2 [Notes for Table of Principal Uses] by adding a new Note 10 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.

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



REVISED Proposed Zoning Warrant Article

ARTICLE C - Zoning Amendment Related to Medical Uses - continued

Creating Substance Rehabilitation Facility Overlay District

Add a new definitions to Section 2.0 [Definitions] for “Substance Rehabilitation or Treatment Facility” as follows:

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

Revise existing definitions:

- ▶ Medical Center or Clinic A building, or portion thereof, designed ~~and~~ or 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.

REVISED Proposed Zoning Warrant Article

ARTICLE - Zoning Amendment Related to Medical Uses - continued

Part C - continued

- ▶ Add a new Section 9.8 [Substance Rehabilitation Facility Overlay District] as follows, and renumber subsequent notes as appropriate:
- ▶ **9.8 SUBSTANCE REHABILITATION FACILITY OVERLAY DISTRICT (SRFOD)**
- ▶ **9.8.1 Purpose.** The purpose of the Substance Rehabilitation Overlay District (SRFOD) is to restrict the development of traffic-intensive substance rehabilitation facilities to areas that benefit from proximate access to major highways, and to regulate the location, design, and operation of said 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.

REVISED Proposed Zoning Warrant Article

ARTICLE C - Zoning Amendment Related to Medical Uses - continued

9.8.2 Location. The Substance Rehabilitation Facility Overlay District (SRFOD) is herein established as an overlay district. The SROD shall include the following specific parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2021:

- Parcel 17-061 (14 Southwest Park);
- Parcel 17-062 (18-20 Southwest Park);
- Parcel 17-063 (28-30 Southwest Park);
- Parcel 17-064 (32-36 Southwest Park);
- Parcel 17-065 (33-35 Southwest Park);
- Parcel 17-066 (21-25 Southwest Park);
- Parcel 17-067 (15 Southwest Park); and
- Parcel 17-069 (15 Southwest Park).



New Overlay District - Substance Rehabilitation Facility Overlay District (SRFOD)

- ▶ Over properties at Southwest Park only



REVISED Proposed Zoning Warrant Article

- ▶ ARTICLE C - Zoning Amendment Related to Medical Uses - continued
- ▶ Special Permit Required, Zoning Board of Appeals Special Permit Granting Authority
- ▶ 9.8.8 Decision. A SRFOD special permit 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. Before making said decision, the Board of Appeals shall carefully review each of the following attributes of the design, location, and operation of the proposed facility:
 - ▶ 9.8.8.1 Size and scale of all proposed structures and compatibility of facility design to the design of existing structures in the surrounding area.
 - ▶ 9.8.8.2 Existing and proposed traffic conditions at the facility site and proximate intersections, demonstrating safe ingress, egress, and site distance for all vehicles heading to or from the proposed facility.
 - ▶ 9.8.8.3 Proposed staffing levels and staff member qualifications in relation to best practices and industry standards.

REVISED Proposed Zoning Warrant Article

Article C - Decision criteria continued

- ▶ 9.8.8.4 Proposed storage and handling of potentially hazardous materials, including pharmaceutical products, bio-hazards, and cleaning supplies for conformance with all local, state and federal requirements.
- ▶ 9.8.8.5 Proposed security arrangements, including security staffing and audio-visual monitoring systems in relation to best practices and industry standards.
- ▶ 9.8.8.6 Anticipated demand on municipal public safety and/or public health services.
- ▶ 9.8.8.7 Any other implications of the proposed development on the Town's resources and fiscal position.
- ▶ 9.8.9 Conditions. The Board may impose conditions within a SRFOD Special Permit which it deems necessary to safeguard the surrounding properties and the Town, including but not limited to minimum staffing levels and staffing qualifications, additional security requirements, noise controls, Payment in Lieu of Taxes (PILOT) agreements, and limits on hours of operation. In addition, the Board may require annual reporting and renewal of a SRFOD special permit where it finds such reporting and renewal is necessary to effectively monitor the facility and to adequately protect the continued interests of the neighborhood and/or Town.

REVISED Proposed Zoning Warrant Article

► Article C - Decision criteria continued

4.1.5 COMMERCIAL USES

PRINCIPAL USE	DISTRICTS													
	SRA	SRB	SR C	SRD	SR E	GR	SR	LBA	LBB	HB	I	IO	ARO	
<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>N</u>	<u>N</u>

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