

## Commonwealth of Massachusetts

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## PLANNING BOARD

## Zoning Amendment Articles for Annual Town Meeting

**As amended through March 16, 2021**

On March 16, 2021, the Planning Board re-opened the continued public hearing on zoning amendments submitted for Annual Town Meeting. Below is the list of zoning articles as revised through March 16, 2021.

**Planning Board Article 1:      Zoning Amendment Relative to Temporary Structures and Uses. The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission on the below article as written.**

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:

[illegible]

- 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:

<sup>12</sup> 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.

**Planning Board Article 2: Zoning Amendment Relative to Fire Arms/Explosives Sales and Services** **The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission on the below article as written.**

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:

*(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	<del>BA</del> <u>N</u>	<del>BA</del> <u>N</u>	BA	<del>B</del> <u>A</u>	N	N

Planning Board Article 3:      **Zoning Amendments Related to Medical Uses - Medical Centers or Clinics and Offices of Healthcare Professionals** **The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission on the below article as written.**

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, 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 4.1.5 [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	I O	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
<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<sup>10</sup></u>	<u>N</u>	<u>N</u>

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

<sup>10</sup> 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.

- 3) 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

Planning Board Article 4:      **Zoning Amendments Related to Medical Uses - Prohibiting Hospitals**

**The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission on the below article as written.**

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, 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) Add new definitions to Section 2.0 [Definitions] for “Hospital” as follows:

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

- 2) Amend Section 4.1.5 [Table of Principal Uses - Commercial Uses] by adding a new Section 4.1.5.24 “Hospital” 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
<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>N</u>

Planning Board Article 5:      **Zoning Amendments Related to Medical Uses - Creating Substance Rehabilitation Facility Overlay District** **The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission on the below article revised as follows.**

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, 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) Add a new definition 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.

- 2) Revise existing definitions in Section 2.0 [Definitions] for “Medical Center or Clinic” and “Office of a Healthcare Professional” to read as:

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.

- 3) 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.

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

Parcel 17-172 (40 Allied Drive/Circumferential Highway);  
Parcel 17-173 (100 Allied Drive/Circumferential Highway);  
Parcel 17-174 (122 Allied Drive/Circumferential Highway);  
Parcel 17-176 (333 Dedham Elm/Circumferential Highway); and  
Parcel 17-177 (259 Dedham Elm/Circumferential Highway).

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 SRFOD, 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 SRFOD Special Permits.

9.8.5 **Special Permit Required.** Development under this Section requires a SRFOD Special Permit issued by the Board of Appeals in compliance with the provisions of this Section for any 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 SRFOD 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 SRFOD Special Permit.

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

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.

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.

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 SRFOD special permit application required under this Section. No SRFOD Special Permit shall become effective unless and until all other required approvals and/or special permits have been obtained.

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

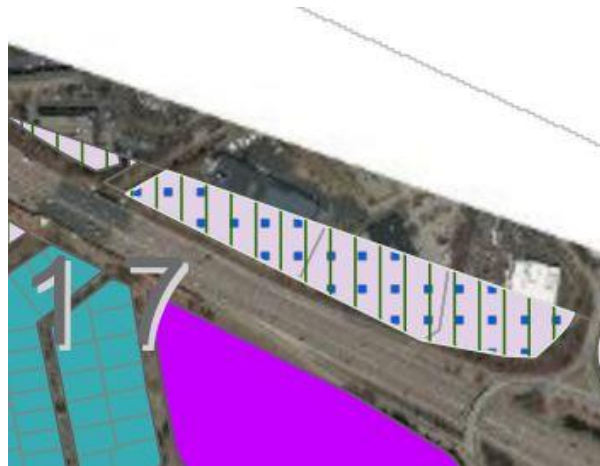
<u>4.1.5.25 Substance Rehabilitation or Treatment Facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N<sup>11</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>
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- 4) Amend Section 4.2 [Notes for Table of Principal Uses] by adding new Notes 10 and 11 as follows, and renumber subsequent notes as appropriate:

<sup>11</sup> 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.

- 5) Amend the Official Zoning Map to add a Substance Rehabilitation Overlay District (SROD) over the following parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2021.

Parcel 17-172 (40 Allied Drive/Circumferential Highway);  
Parcel 17-173 (100 Allied Drive/Circumferential Highway);  
Parcel 17-174 (122 Allied Drive/Circumferential Highway);  
Parcel 17-176 (333 Dedham Elm/Circumferential Highway); and  
Parcel 17-177 (259 Dedham Elm/Circumferential Highway).



Planning Board Article 6:     **Housekeeping Article The Planning Board voted 5-0 to recommend favorable action to the Finance & Warrant Commission.**

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												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.3.4 Senior Residential Development per Section 8. <del>4</del> <u>3</u>	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. <del>5</del> <u>4</u>	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.