

Town of Westwood
Commonwealth of Massachusetts

David L. Atkins, Jr., Chair
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Michael L. McCusker, Secretary
Deborah J. Conant
Robert R. Gotti



Abigail McCabe, AICP, Town Planner
amccabe@townhall.westwood.ma.us
(781) 251-2581

Karyn Flynn, Land Use & Licensing Specialist
kflynn@townhall.westwood.ma.us
(781) 767-6344

PLANNING BOARD

Memorandum

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

From: Abby McCabe, Town Planner
Planning Board Members

Date: March 18, 2021

Re: Planning Board Summary of Warrant Articles

The Planning Board held a continued public hearing on March 16, 2021 and unanimously voted the following articles for favorable action to the Finance and Warrant Commission. Since your March 8th hearing the Planning Board notified property and business owners on Southwest Park, Allied Drive, and East Street of this proposal and invited them to attend the March 16 Planning Board meeting and invited them to your hearing on March 29. We have not yet received any responses from the mailing. The only change since your last meeting is a change in the location of the Substance Rehabilitation Facility Overlay District (SRFOD) in article 5. The SRFOD is drafted to overlay five properties on Allied Drive and Dedham Elm Street along the Westwood-Dedham line, rather than the properties in Southwest Park.

Planning Board 1 – Zoning Amendment Relative to Temporary Structures and Uses

The purpose of this article is to provide an opportunity for short-term uses and structures to be granted by the Building under and administrative review process. Presently, any request for temporary events or activities such as outdoor sales, tents, sidewalk sales etc. require a special permit and public hearing process with the Zoning Board of Appeals (ZBA). The special permit process takes approximately three months given the scheduling requirements for a public hearing and can be a deterrent for Applicants for short duration requests. This allows a more streamlined approach for short duration events. As proposed, Applicants interested in requests of up to 6 months may submit a permit request directly to the building department.

Planning Board 2 - Zoning Amendment Relative to Fire Arms/Explosives Sales & Services

The purpose of this article is to prohibit the sale of Fire Arms and Explosives within the Local Business A (LBA) and Local Business B (LBB) districts, which are the business districts on High and Washington Streets. This article is a resubmission of the one submitted for Town Meeting in 2020, which was postponed due to the reduced quorum requirements. Currently, the Zoning Bylaw permits Fire Arms sales in the LBA, LBB, Highway Business (HB), and Industrial (I) districts by special permit from the ZBA. As proposed, the use would still be allowed in the HB and I districts by ZBA special permit. The intent of this article is to prohibit uses that don't generate the pedestrian activity desired for the village areas.

Planning Board - Zoning Amendment Related to Medical Uses Background

In 2017, the Planning Board first expressed concern 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 Planning Board has since undertaken a detailed review of the issue and has proposed three separate, albeit related, medical use amendment articles to allow voters to vote as they wish on each of the three distinct articles, and to allow for a separate review of each article by the Attorney General's Office. The purpose of the three proposed medical uses zoning amendment articles is to provide consistent definitions for medical uses by amending existing definitions, adding new definitions for uses referenced throughout the bylaw, and updating the Table of Uses to restrict the uses to specific zoning districts.

The primary purpose of these changes is to eliminate ambiguity and to avoid the potential for a Hospital, Medical Center/Clinic, and Substance Rehabilitation or Treatment Center, being developed in a location that is not suitable 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 for any of these uses to be considered as similar to a doctor's office.

On March 16, the Planning Board further revised the third of three medical use zoning amendment articles to change the proposed location of the Substance Rehabilitation Overlay District (SRFOD) from the previously considered eight properties within Southwest Park to five properties in the commercial area along Allied Drive and Dedham Elm Street. In so doing, the Planning Board noted the consistent zoning of the Dedham portions of each of these properties within Dedham's Research Development & Office District, which allows "Substance Abuse Treatment Centers" by special permit.

Planning Board Article 3 – Medical Centers or Clinics and Offices of Healthcare Professionals

This article changes the undefined term "Office of doctor or dentist not a resident on premises" in the Table of Uses to "Office of a Healthcare Professional" to eliminate ambiguity and continues to allow this use in all commercial zones and by special permit in the general residence zone.

Additionally, this article prohibits “Medical Centers or Clinics” everywhere in town except at University Station in compliance with the University Avenue Mixed Use Overlay District.

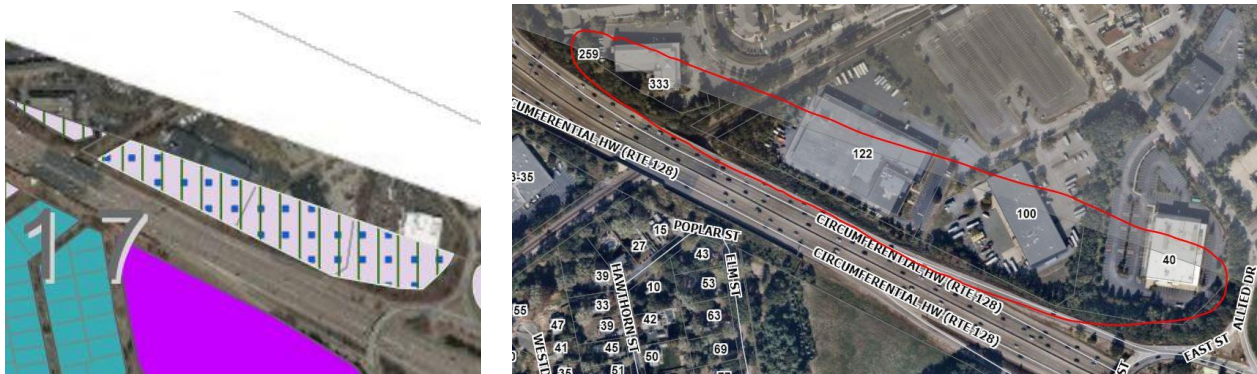
Planning Board Article 4 – Medical Uses Prohibiting Hospitals

This article adds a new definition for “Hospitals”, which do not currently exist in Westwood, and proposes to prohibit hospitals throughout town.

Planning Board Article 5 – Medical Uses Creating Substance Rehabilitation Facility Overlay District

This article adds a new definition for “Substance Rehabilitation or Treatment Facility” and regulates these facilities by only allowing them by special permit from the ZBA in a new Substance Rehabilitation Facility Overlay District (SRFOD) covering five properties on Allied Drive and Dedham Elm Street. The proposed new special permit process sets clear and strong special permit criteria which must be met for the ZBA to grant an approval of any proposals. Staff is not aware of any substance treatment centers being proposed in Westwood at this time. These zoning amendments are intended to proactively regulate this use by providing clear legal guidance as to where these uses can and cannot be considered.

This article also revises the definitions for “Medical Center or Clinic” and “Office of a Health Care Professional” to provide greater clarity and distinction between the definitions of these two uses and the proposed definition for “Substance Rehabilitation or Treatment Facility”.



Planning Board Article 6 – 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.