



**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS  
**OFFICE OF THE TOWN CLERK**

*Dorothy A. Powers, MMC, CMMC*

Town Clerk  
Justice of the Peace  
Notary Public

**POSTING DATE:**  
**NORFOLK, SS.**

NOV 23 2021

**TO EITHER OF THE CONSTABLES IN THE TOWN OF WESTWOOD IN SAID COUNTY:**

**GREETING:**

In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning By-laws.

These amendments were voted under **Articles 17,18,19 and 20** of the Warrant for the 2021 Annual Town Meeting, which meeting was held on May 3, 2021.

**Articles 21 and 22** were approved by the Attorney General on 8/26/2021 and duly posted.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:

**Dorothy A. Powers, MMC, CMMC**  
**Town Clerk**

By virtue of this warrant, I have this day posted attested copies of the amendment to the Zoning Bylaws of the Town of Westwood voted under the aforementioned articles of the 2021 Annual Town Meeting on four bulletin boards erected by the town in public places in each of the four precincts of the Town.

**Sgt. Paul Sicard, Constable**

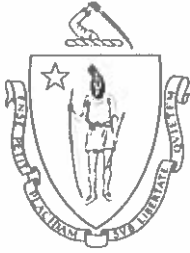


**Office of the Constable**  
**Sgt. Paul Sicard**

Keep Posted Until

2/28/22

Received November 23, 2021  
Westwood Town Clerk



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF  
MASSACHUSETTS OFFICE OF THE  
ATTORNEY GENERAL

CENTRAL MASSACHUSETTS  
DIVISION 10 MECHANIC  
STREET, SUITE 301  
WORCESTER, MA 01608

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

November 23, 2021

Dorothy A. Powers, Town Clerk  
Town of Westwood  
Town Hall  
580 High Street  
Westwood, MA 02090

**Re: Westwood Annual Town Meeting of May 3, 2021 -- Case # 9741  
Warrant Articles # 17, 18, 19, 20, 21, and 22 (Zoning)**

Dear Ms. Powers:

**Articles 17, 18, 19, and 20** - We approve Articles 17, 18, 19, and 20, and the map amendments voted under Article 19, from the Westwood May 3, 2021 Annual Town Meeting.<sup>1</sup> We will return the approved map to you by mail. Our comments on Articles 17, 18, 19, and 20 are provided below.

**Articles 17, 18, and 19** - Under Articles 17, 18, and 19 the Town adopted various amendments to its zoning by-laws related to medical centers, hospitals, and substance abuse treatment centers in the Town. Based on the Attorney General's limited standard of review of town by-laws, we approve Articles 17, 18, and 19. However, for the reasons explained below, the Town should consult closely with Town Counsel before applying the by-law amendments to any substance abuse treatment facility to avoid violating the Massachusetts Zoning Act, Americans with Disabilities Act (42 U.S.C. §§, 12132 *et seq.*), the Rehabilitation Act (29 U.S.C. § 794(a)), and the Fair Housing Act (42 U.S.C. § 3604(f)(1) *et seq.*) In the decision below, we briefly describe Articles 17, 18, and 19; discuss the Attorney General's standard of review of town by-laws under G.L. c. 40, § 32; and then explain why, governed as we are by that standard, we must approve

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<sup>1</sup> In a decision issued August 25, 2021 we approved Articles 21 and 22 and extended our deadline for a decision on Articles 17, 18, 19, and 20 for sixty days until November 24, 2021.

**Received November 23, 2021**  
**Westwood Town Clerk**

these Articles because, on their face, they do not present a sharp conflict with state and federal law.

We emphasize that our approval in no way implies any agreement or disagreement with the policy views that led to the passage of these by-laws. The Attorney General’s limited standard of review requires her to approve or disapprove by-laws based solely on their consistency with state and federal law, not on any policy views she may have on the subject matter or wisdom of the by-law. Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986).

**I. Description of Articles 17, 18, and 19**

Under Article 17 the Town voted to amend Section 4.1.5 “Table of Principal Uses-Commercial Uses” of its zoning by-laws by: (1) changing the name of “Office of a doctor or dentist not a resident on premises” to “Office of Health Care Professional” and (2) by adding a new use for “Medical Center or Clinic” and prohibiting such use in all districts of the Town, except in the University Avenue Mixed Use District. As amended, the Table provides as follows:

Principal Use	Districts												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
41.5.22 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
4.1.5.23 <u>Medical Center or Clinic</u>	N	N	N	N	N	N	N	N	N	N	N <sup>10</sup>	N	N

<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.

Under Article 18 the Town voted to amend Section 2.0, “Definitions,” to add a definition for “Hospital” as follows:

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

The Town also voted to amend the Table to prohibit hospitals in all districts of the Town as follows:

Principal Use	Districts												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.24 <u>Hospital</u>	N	N	N	N	N	N	N	N	N	N	N	N	N

**Received November 23, 2021**  
**Westwood Town Clerk**

Under Article 19 the Town voted to amend Section 2.0, "Definitions," to add a definition for "Substance Rehabilitation or Treatment Facility" as follows:

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

The Town also voted to add a new Section 9.8, "Substance Rehabilitation Facility Overlay District (SRFOD)" that creates a new Overlay District that allows substance rehabilitation and treatment facilities by special permit in the SRFOD.

## **II. Attorney General's Standard of Review and General Zoning Principles**

Our review of Articles 17, 18, and 19 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32 the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 ("Neither we nor the Attorney General may comment on the wisdom of the town's by-law.") Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid." Bloom, 363 Mass. at 154 (emphasis added). "The legislative intent to preclude local action must be clear." Id. at 155. Massachusetts has the "strongest type of home rule and municipal action is presumed to be valid." Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Articles 17, 18, and 19 as amendments to the Town's zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) ("With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders."). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare." Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town's police power and a legislative act, the vote carries a "strong presumption of validity." Id. at 51. "Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions." Concord v. Attorney General, 336 Mass. 17, 25 (1957) (quoting Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). "If the reasonableness of a zoning bylaw is even 'fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.'" Durand, 440 Mass. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). Nevertheless, where a zoning by-law conflicts with state or federal law or the Constitution, it is invalid. See Zuckerman v. Hadley, 442 Mass. 511, 520 (2004) (rate of development by-law of unlimited duration did not serve a permissible public purpose and was thus unconstitutional). In general, a municipality "is given

broad authority to establish zoning districts regulating the use and improvement of the land within its borders.” Andrews v. Amherst, 68 Mass. App. Ct. 365, 367- 368 (2007). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature]...” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

### **III. Protections of Disabled Persons in State and Federal Law**

Although we must approve Articles 17, 18, and 19 under the Attorney General’s limited standard of review, the Town should consult closely with Town Counsel when applying the by-laws so that the Town does not violate the numerous statutory protections for disabled persons in state and federal law, as explained below.

#### A. Massachusetts Zoning Act, G.L. c. 40A, § 3, ¶ 4

The Massachusetts Zoning Act, G.L. c. 40A, § 3, ¶ 4 prohibits town by-laws that have a discriminatory effect on disabled persons, as follows:

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.

Persons suffering from substance use disorder are considered disabled under G.L. c. 40A, § 3, and facilities that serve this population are entitled to the protections of the statute. See S. Middlesex Opportunity Council, Inc. v. Town of Framingham, 752 F. Supp. 2d 85, 95 (D. Mass. 2010) (“Federal regulations define ‘handicap’ to include drug addiction or alcoholism that ‘substantially limits one or more major life activities.’”) (citation omitted); Granada House, Inc. v. City of Boston, 6 Mass. L. Rptr. 466 at \*9 (Mass. Super. Feb. 28, 1997) (“Massachusetts would look to federal law, including the [Fair Housing Act], in interpreting the phrase ‘disabled person’ and ‘persons with disabilities’, and that by so doing, the [Massachusetts Zoning Act] must be read to bar the City’s discriminatory treatment of a group home for recovering drug and alcohol users under the Code.”).

In applying the by-laws, specifically during the special permit process, the Town must be careful not to impose additional land use restrictions on substance abuse treatment centers that are not imposed on similar uses in the Town because such restrictions would violate G.L. c. 40A, § 3. See Crossing Over, Inc. v. City of Fitchburg, 98 Mass. App. Ct. 822, 828 (2020) (G.L. c. 40A, § 3’s provision prohibiting local laws from discriminating against persons with disabilities does not apply to state statute requiring automatic sprinkler system in sober home because Section 3’s prohibition applies only to local provisions imposed by a town, not to state statutes.) The Town should consult with Town Counsel on this issue.<sup>2</sup>

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<sup>2</sup> We reiterate that the Attorney General is prohibited from basing this by-law review decision on any policy objectives. Amherst, 398 Mass. at 798-99. However, much of the work of this Office reflects the Attorney General’s commitment to access to services for prevention, harm reduction, treatment, and recovery from

**B. The ADA, the Rehabilitation Act, and the Fair Housing Act**

The Americans with Disabilities Act (42 U.S.C. §§, 12132 *et seq.*) (“ADA”), the Rehabilitation Act (29 U.S.C. § 794(a)) (“RA”), and the Fair Housing Act (42 U.S.C. § 3604(f)(1) *et seq.*) (“FHA”) all prohibit municipal by-laws from discriminating against disabled persons. “Under the ADA and FHA, a public entity such as the [Town] is prohibited from implementing a zoning scheme that treats disabled individuals differently than non-disabled individuals.” U.S. v. City of Baltimore, 845 F.Supp. 2d 640, 647-648 (D. Md. 2012) (Baltimore’s zoning code requirement that residential substance abuse treatment programs obtain a conditional ordinance before locating in any district for which they were otherwise eligible was facially discriminatory in violation of the ADA and FHA). “[C]ourts have found ADA and FHA violations not only in cases of specific zoning actions such as outright permit denials, but also in cases of burdensome procedural zoning requirements uniquely placed on disabled individuals.” *Id.* at 648. Even if a local ordinance or by-law does not use the word “disability” it can be found to discriminate against disabled persons if the effect is to impose unique land use burdens on disabled persons. Community Housing Trust v. Dep’t of Consumer & Regulatory Affairs, 257 F.Supp.2d 208, 224-25 (D.D.C. 2003) (District of Columbia requirement that community based residential facilities obtain a certificate of occupancy expressly targeted individuals with disabilities, even if it did not use the word “disability,” and was thus facially discriminatory). “Response to community pressure may support a finding that discriminatory animus motivated a defendant in enforcement or regulation efforts.” Safe Haven Sober Houses, LLC v. Good, 82 Mass. App. Ct. 1112, \*3 (2012) (citing South Middlesex Opportunity Council, Inc. v. Framingham, 752 F. Supp. 2d 85, 95 (D.Mass. 2010)). The Town should consult closely with Town Counsel when it applies the by-law amendments related to substance rehabilitation and treatment facilities adopted under Article 17, 18, and 19 to avoid running afoul of these statutory protections.

**Article 20 - Under Article 20 the Town voted to amend Section 4.1.5 “Table of Principal Uses- Commercial Uses” of its zoning by-laws by prohibiting firearms and explosives sales and services in the Town’s LBA and LBB districts. As amended Section 4.1.5.41 of the Table 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	BA	N	N

opioid use disorder. The state and federal law protections afforded to persons suffering from substance use disorder (as outlined above) are consistent with this goal of increased access to services. It is important that communities across the Commonwealth abide by these statutory requirements when making land use decisions regarding substance abuse treatment centers.

Received November 23, 2021  
Westwood Town Clerk

We approve Article 20 because, based on our standard of review (as set forth in more detail above), we cannot conclude that Article 20 is inconsistent with state law. However, there are several state laws and regulations that govern the safety of the premises and proper operation of firearm sales and servicing. Those rules include (but are not limited to) the requirements in G.L. c. 140, § 123 (establishing the conditions of licenses to sell firearms). The Town should consult closely with Town Counsel to ensure that the by-law amendment adopted under Article 20 (and the existing provisions of the Table pertaining to firearms sales and services) are applied consistent with those state rules and regulations.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

by: Kelli E. Gunagan, Assistant Attorney General  
Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Patrick Ahearn



**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS  
**OFFICE OF THE TOWN CLERK**

*Dorothy A. Powers, MMC, CMMC*  
Town Clerk  
Justice of the Peace  
Notary Public

**To Whom It May Concern:**

**I hereby certify the following action taken under Article 17 of the Warrant for the Annual Town Meeting held on May 3, 2021:**

**Annual Town Meeting Article 17: Zoning Amendments Related to Medical Uses – Medical Centers or Clinics and Offices of Healthcare Professionals**

The Finance and Warrant Commission recommended and the Town voted by a unanimous voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to various medical uses, as follows:

(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	IO	ARO
<del>4.1.5.22 Office of 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</u> <sup>10</sup>	<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. ~~Office of doctor or dentist~~ Office of Health Care Professional

\* Attorney General approval 11/23/2021 Case#9741

**Witness my hand and seal of the Town of Westwood this 23<sup>rd</sup> day of November, 2021**

**Attest:**

*Dorothy A. Powers*

Dorothy A. Powers, MMC, CMMC  
Westwood Town Clerk





**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS  
**OFFICE OF THE TOWN CLERK**

*Dorothy A. Powers, MMC, CMMC*

Town Clerk  
Justice of the Peace  
Notary Public

**To Whom It May Concern:**

**I hereby certify the following action taken under Article 18 of the Warrant for the Annual Town Meeting held on May 3, 2021:**

**Annual Town Meeting Article 18: Zoning Amendments Related to Medical Uses – Prohibiting Hospitals**

The Finance and Warrant Commission recommended and the Town voted by a unanimous voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to various medical uses, as follows:

**(New language shown is underlined, 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>

\* Attorney General approval 11/23/2021 Case#9741

**Witness my hand and seal of the Town of Westwood this 23<sup>rd</sup> day of November, 2021**

**Attest:**

*Dorothy A. Powers*

Dorothy A. Powers, MMC, CMMC  
Westwood Town Clerk



**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS  
**OFFICE OF THE TOWN CLERK**

*Dorothy A. Powers, M.M.C. & M.M.C.*

Town Clerk  
Justice of the Peace  
Notary Public

**To Whom It May Concern:**

**I hereby certify the following action taken under Article 19 of the Warrant for the Annual Town Meeting held on May 3, 2021:**

**Annual Town Meeting Article 19: Zoning Amendments Related to Medical Uses – Creating Substance Rehabilitation Facility Overlay District**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw and Official Zoning Map related to various medical uses, as follows:

**(New language shown is underlined, 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<sup>11</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>

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).

\* Attorney General approval 11/23/2021 Case#9741

**Witness my hand and seal of the Town of Westwood this 23rd day of November, 2021**

**Attest:**



Dorothy A. Powers, MMC, CMMC  
Westwood Town Clerk



**TOWN OF WESTWOOD**  
COMMONWEALTH OF MASSACHUSETTS  
**OFFICE OF THE TOWN CLERK**

*Dorothy A. Powers, MMC, CMMC*

Town Clerk  
Justice of the Peace  
Notary Public

**To Whom It May Concern:**

**I hereby certify the following action taken under Article 20 of the Warrant for the Annual Town Meeting held on May 3, 2021:**

**Annual Town Meeting Article 20: Zoning Amendment Relative to Fire Arms/Explosive Sales and Services**

The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator 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:

*(New language shown is underlined, 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	BA	N	N

\* Attorney General approval 11/23/2021 Case#9741

Witness my hand and seal of the Town of Westwood this 23rd day of November , 2021

Attest:

*Dorothy A. Powers*

Dorothy A. Powers, MMC, CMMC  
Westwood Town Clerk