

**Town of Westwood**  
Commonwealth of Massachusetts

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**PLANNING BOARD**

**Memorandum**

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

From: Abby McCabe, Town Planner  
Planning Board Members

Date: February 23, 2022

Re: Planning Board Summary of Warrant Articles

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Below is a summary of the Planning Board's zoning articles. The full zoning language is included as an attachment. The Planning Board held a public hearing on February 1 and February 15 and voted the following articles for favorable action to the Finance and Warrant Commission. The Planning Board continued their public hearing to March 1<sup>st</sup> to attend and participate in your hearing.

**Article 1 – Mixed-Use & Multi-Family Residence Overlay District (MUMFROD)**

The purpose of this article is to comply with recent changes to the state's Zoning Act. MBTA communities are required to adopt zoning that allows multi-family housing with a nondiscretionary permit process within proximity to public transportation. The proposed article is consistent with Westwood's 2020 Comprehensive Plan goals developed after extensive public input. The Comprehensive Plan stipulated goals to diversify the housing stock by increasing the types of housing, implement regulations to allow for more moderately priced housing, provide affordable housing opportunities, encourage redevelopment of underutilized properties, and increase housing diversity with transit-oriented projects.

The 2020 legislation requires:

- At least one zoning district of a reasonable size;
- Zoning must allow a gross density of 15 units per acre;
- Be located within a ½ mile of a train station or bus stop;

- Suitable for families with children (no age or bedroom restrictions);
- Permit process cannot be discretionary (commonly referred to as by-right approval); and
- The state shall develop guidelines to promulgate compliance.

In December 2021 the state released Draft Guidelines and anticipates final guidance later this year. Draft Guidelines calls for compliance by the end of 2023. With the final guidelines being issued later this year, that leaves only one Annual Town Meeting is left to secure compliance.

The Planning Board has been proactive and worked diligently on the proposed article with careful consideration given to the new zoning overlay district. The proposal calls for the new zoning overlay to include the 22 Everett St. property, currently occupied by some light manufacturing uses, in addition to where the Gables Residential apartments and University Place condos are presently. The residential properties at University Station are not anticipated to be redeveloped under this proposed zoning because the buildings are new and the current zoning at University Station allows for a higher density than the proposed zoning. The current University Station zoning is more profitable but will gain valuable acreage for Westwood to achieve compliance. The Draft Guidelines have given a minimum size requirement. The Board proposes this article as a first step with an understanding that the zoning district may need to be expanded after the Guidelines are finalized to be in full compliance.

## **Article 2 – Permitting & Approval Process for Solar Arrays**

This article is intended to encourage solar by aligning the permitting process to be more consistent with state law that gives some protection to solar arrays from being unreasonably regulated. Westwood's current zoning requires a special permit public hearing process for solar not mounted on a structure. The Zoning Board of Appeals (ZBA) has received four applications for ground-mounted solar since the zoning was adopted in 2015, and three of the applications were not approved between 2015 and 2020. Though most prefer to have solar on existing structures, some building layouts and surrounding vegetation require that other locations are proposed.

The Planning Board's article proposes a non-discretionary review process. As proposed, solar on a structure will continue to be an administrative review with building permits, but small solar arrays not on a structure are subject to an administrative Town Planner review prior to building permit without a public hearing. The solar is subject to height and setbacks similar to accessory structures such as garages, pools, and sheds. As proposed, only large solar projects proposed as the only use on land such as a solar farm or solar arrays over 10,000 sq. ft. in size are subject to a Planning Board public hearing process.

This article is consistent with the 2020 Comprehensive Plan goals to promote renewable energy and the Board has worked closely with members of Westwood's Environmental Action Committee (WEAC).

### **Article 3 – Rezoning of High Street properties to allow FMOUD**

The purpose of this article is to facilitate the redevelopment of the historic Obed Baker House. Over the years, the Town has issued several Request for Proposals (RFP) for the rehabilitation of the property at 909 High St. and the adjacent undeveloped town-owned lot. The Select Board recently authorized local builder Todd C. Sullivan Construction, LLC to move forward with this proposal.

Mr. Sullivan proposes interior renovations to the historic Obed Baker House for two condos and the construction of a one-story building on the adjacent undeveloped lot for a veterinary clinic. Mr. Sullivan is currently working on submitting an application to the Planning Board and Conservation Commission for the detailed review of the project. To facilitate this proposal, the properties need to be in the Local Business A (LBA) and the Flexible Multiple Use Overlay District-7/High Street Business District (FMOUD7).

The article also proposes expanding the FMUOD to the adjacent commercial property with the Dunkin Donuts and the plaza containing Westwood Pizza and Blue Orchid. There are no development plans at this time, but the property owner is interested in having additional development opportunities. The adaptive reuse of the historic Obed Baker House and zoning to help facilitate redevelopment of underutilized commercial properties are listed as goals of the 2020 Comprehensive Plan.

### **Article 4 – Change in Permit Type for Alterations for Nonconforming Structures**

Town Counsel and the Building Commissioner have recently reviewed case law and discovered that courts have said some flexibility should be given to nonconforming properties. In 2017, Westwood amended the zoning to require a variance from the Zoning Board of Appeals (ZBA) for any new nonconformity being proposed or increased on a nonconforming property. The current zoning in Section 4.5.3 does not provide any flexibility and requires any alteration to obtain a variance from the ZBA.

After review of case law, the Planning Board is proposing to amend the zoning to allow some flexibility by obtaining a special permit for alterations that are considered minor in nature or not considered substantially more detrimental to the neighborhood.

The proposed changes are to the type of permit with the ZBA an applicant would need to file, and not to public hearing and abutter notification process. The major determination for approval of a special permit is whether or not the alteration is detrimental to the neighborhood, while a variance has very specific criteria which must be met for an approval. Very few variances are granted by the ZBA because of the positive findings the Board must make.

### **Article 5 – Zoning Map Change for 394 & 396 Providence Highway**

The owner of the existing Shell station at 394 Providence Highway has approached the town about redevelopment opportunities. They have recently acquired the adjacent land at 396 Providence

Highway which used to be part of the state's road layout. The owner would like to redevelop the gas station to create a new service area and a new retail sales building with a drive-through. The existing gas station is non-conforming in the Industrial Office zoning district. The proposed zoning map change is to rezone the two properties for Highway Business, the same as on the other side of Providence Highway, to then renovate the properties. The project would still require Planning Board, Zoning Board, and Conservation Commission approval but the zoning change is required to expand over the parcel at 396 Providence Highway, which is currently undeveloped.

### **Article 6 – Housekeeping**

This article is a standard zoning amendment article intended to correct any errors and add clarification to certain sections of the Zoning Bylaw. During the course of the public hearings the Planning Board has discovered some numbering errors, omissions, and adds clarity to an existing defined term.