

Article 1: Zoning Bylaw & Zoning Map Amendments Relative to Mixed-Use & Multi-Family Residential Overlay District

To see if the Town will vote to approve certain amendments to Zoning Bylaw Section 9.9 [Mixed-Use & Multi-Family Residential Overlay District (MUMFROD)], and certain amendments to the Official Zoning Map affecting the MUMFROD, as follows, or take any other action in relation thereto:

[New language shown in underlined red font, language to be removed shown with strikethrough.]

1) Revise Section 9.9.2 [Location] to read as follows:

9.9.2 **Location.** ~~The Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) is herein established as an overlay district~~ Four (4) distinct Mixed-use & Multi-family Residential Overlay Districts – MUMFROD1, MUMFROD2, MUMFROD3, and MUMFROD4 – are herein established as overlay districts as shown on the Official Zoning Map and as described herein. ~~The MUMFROD shall include the following specific parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2022:~~

~~Parcel 23-226 (22 Everett Street);
Parcel 23-227 (Everett Street);
Parcel 33-019 (85-91 University Avenue);
Parcel 33-054 (95 University Avenue); and
Parcel 33-056 (120 & 130 University Avenue).~~

9.9.2.1 **MUMFROD1: Low Density MUMFROD Overlay District.**
MUMFROD1 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 1.

9.9.2.2 **MUMFROD2: Medium Density MUMFROD Overlay District.**
MUMFROD2 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 1.

9.9.2.3 **MUMFROD3: High Density MUMFROD Overlay District.**
MUMFROD3 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 2.

9.9.2.4 **MUMFROD4: Low Density Ground Floor Commercial MUMFROD Overlay District.** MUMFROD4 shall include the areas as shown on the Official Zoning Map within Mixed-Use & Multi-Family Residential Overlay District 3.

2) Revise Section 9.9.3 [Granting Authority] to read as follows:

9.9.3 **Granting Authority.** The Planning Board shall be the granting authority for all approvals under this Section. Multi-family residential units and mixed-use development, including any one or more of the specific uses set forth in Section 9.9.5, may be permitted to the extent authorized under a MUMFROD Environmental Impact & Design Review (MUMFROD-EIDR) Approval in compliance with the provisions of this Section. Applications exceeding the maximum residential density set forth in Section 9.9.6.1 shall require a MUMFROD Special Permit from the Planning Board. Any EIDR approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into the MUMFROD-EIDR Approval ~~or~~ MUMFROD Special Permit and no separate EIDR Approval shall be required.

3) Revise Section 9.9.5 [Permitted Uses] to read as follows:

9.9.5 **Permitted Uses.** MUMFROD-EIDR Approvals and MUMFROD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the MUMFROD 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 MUMFROD-EIDR Approval or MUMFROD Special Permit. In addition, a mix of the following residential and non-residential uses, to the extent authorized under this Section, are permitted as-of-right upon grant of a MUMFROD-EIDR Approval or MUMFROD Special Permit by the Planning Board. Any use not listed below as specifically permitted in a MUMFROD development is deemed prohibited.

9.9.5.1 Uses Permitted by MUMFROD-EIDR Approval or MUMFROD Special Permit in the MUMFROD1, MUMFROD2 and MUMFROD3 Districts:

- 9.9.5.1.1 Multi-family Residential Dwelling Units (per density requirements of Section 9.9.6)
- 9.9.5.1.2 Bank, Financial Institution
- 9.9.5.1.3 Child Care Facility
- 9.9.5.1.4 Coffee Shop
- 9.9.5.1.5 Educational Use
- 9.9.5.1.6 Ice Cream Parlor
- 9.9.5.1.7 Institutional Use
- 9.9.5.1.8 Office of a Health Care Professional
- 9.9.5.1.9 Personal Services Establishment
- 9.9.5.1.10 Pet Care Facility
- 9.9.5.1.11 Professional Services Establishment

- 9.9.5.1.12 Recreation Facility, Indoor or Outdoor
- 9.9.5.1.13 Restaurant, with or without entertainment
- 9.9.5.1.14 Retail Sales & Services
- 9.9.5.1.15 Accessory parking and accessory parking structures to any of the above permitted uses
- 9.9.5.1.16 Accessory Uses such as solar arrays, sports courts, outdoor seating, patios, and recreational play areas

9.9.5.1 Uses Permitted by MUMFROD-EIDR Approval or MUMFROD Special Permit in the MUMFROD4 District:

- 9.9.5.1.1 Upper Story Multi-family Residential Dwelling Units (per density requirements of Section 9.9.6) with Ground Story Commercial Use(s)
- 9.9.5.1.2 Bank, Financial Institution
- 9.9.5.1.3 Child Care Facility
- 9.9.5.1.4 Coffee Shop
- 9.9.5.1.5 Educational Use
- 9.9.5.1.6 Ice Cream Parlor
- 9.9.5.1.7 Institutional Use
- 9.9.5.1.8 Office of a Health Care Professional
- 9.9.5.1.9 Personal Services Establishment
- 9.9.5.1.10 Pet Care Facility
- 9.9.5.1.11 Professional Services Establishment
- 9.9.5.1.12 Recreation Facility, Indoor or Outdoor
- 9.9.5.1.13 Restaurant, with or without entertainment
- 9.9.5.1.14 Retail Sales & Services
- 9.9.5.1.15 Accessory parking and accessory parking structures to any of the above permitted uses
- 9.9.5.1.16 Accessory uses such as solar arrays, sports courts, outdoor seating, patios, and recreational play areas

4) Revise Section 9.9.6 [Residential Density Allowances] to read as follows:

9.9.6 **Residential Density Allowances.** Maximum residential densities shall be as specified below:

- 9.9.6.1 Multi-family Residential Dwelling Units at a maximum density of 15 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD1 and MUMFROD4 Districts.
- 9.9.6.2 Multi-family Residential Dwelling Units at a maximum density of 20 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD2 District.

9.9.6.3 Multi-family Residential Dwelling Units at a maximum density of 35 units per acre shall be permitted as-of-right, subject to MUMFROD-EIDR Approval within the MUMFROD3 District.

9.9.6.4 Multi-family Residential Dwelling Units at a density exceeding 15 units per acre in either the MUMFROD1 District or the MUMFROD4 District, or exceeding 20 units per acre in either the MUMFROD2 District, or Multi-family Residential Dwelling Units at a density exceeding 35 units per acre in the MUMFROD3 District, shall require a MUMFROD Special Permit, which may be issued at the discretion of the Planning Board. Any residential units over and above 15 units per acre in MUMFROD1 or MUMFROD4, or above 20 units per acre in MUMFROD2, or above 35 units per acre in MUMFROD3, shall be subject to the Fiscal Analysis submittal requirement outlined in Section 9.9.12.10.

In the case of a mixed-use MUMFROD development where all residential units are located on upper stories above first floor commercial uses, whether in MUMFROD1, MUMFROD2, MUMFROD3, or MUMFROD4, the maximum residential density shall be calculated by dividing the aggregate lot area of all parcels within the MUMFROD development by the total number of residential units. In all other cases, the residential density shall be calculated by dividing only that portion of the lot area which is attributable to residential development by the total number of residential units in the MUMFROD development.

5) Revise Section 9.9.12.10 [Fiscal Analysis] to read as follows:

9.9.10 Affordability Requirements. Where any project authorized under this bylaw will result in the development of at least eight (8) ~~new~~ residential dwelling units, ~~the minimum number of dwelling units specified in the table below a minimum of 15% of those residential dwelling units~~ shall be restricted to meet the definition of Affordable Housing in Section 2.0 of this Bylaw ~~and in the Rules and Regulations.~~ Notwithstanding the above, the minimum number of Affordable Dwelling Units shall be reduced from a minimum of 15% to a minimum of 10% unless the higher percentage is supported by an economic feasibility analysis accepted by the Executive Office of Housing & Livable Communities (EOHLC), or successor, in accordance with EOHLC's Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, revised through August 17, 2023. All such affordable dwelling units shall be contained within the MUMFROD project unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's

housing needs after consultation with the Westwood Housing Partnership and the Westwood Housing Authority. ~~The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said dwelling units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended and all affordable dwelling units shall remain affordable in perpetuity. All affordable units shall be indistinguishable from market rate units within the same development and shall be scattered throughout a project.~~

Total Number of Dwelling Units	Minimum Number of Affordable Dwelling Units
1 to 7 units	0
8 to 9 units	1
10 to 15 units	2
16 to 22 units	3
23 to 26 units	4
27 or more units	15% of the total number of dwelling units, rounded up to the next whole number

6) Revise Section 9.9.12.10 [Fiscal Analysis] to read as follows:

9.9.12.10 **Fiscal Analysis.** All MUMFROD Special Permit applications requesting a residential density greater than 15 units per acre in MUMFROD1 or MUMFROD4, or greater than 20 units per acre in MUMFROD2, or greater than 35 units per acre in MUMFROD3, shall submit a fiscal analysis demonstrating that the additional proposed residential units will have no significant negative fiscal impact to the Town.

7) Revise Section 9.9.15 [Special Permit Decision] to read as follows:

9.9.15 **Special Permit Decision.** A MUMFROD Special Permit shall be granted upon the

determination of the Planning Board that the application meets the objectives cited in the purpose of this Section, that the proposal is in conformance with requirements of this Section, and upon the following positive findings:

- 9.9.15.1 In cases where a MUMFROD Special Permit allows for residential density in excess of 15 units per acre in MUMFROD1 or MUMFROD4, or in excess of 20 units per acre in MUMFROD2, or in excess of 35 units per acre ion MUMFROD3, the Planning Board must find that the higher residential density is necessary for the project's feasibility, and that said density will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole. Additionally, the Board must find that the fiscal impact from the additional residential units will not have a significant negative fiscal impact on the Town, or that that the Applicant has appropriately mitigated any negative fiscal impact so as to render the project sufficiently beneficial to the Town.
- 9.9.15.2 In cases where a MUMFROD Special Permit allows for deviations from dimensional requirements of this Section, the Planning Board must find that the alternate dimensional requirements result in an improved project design, and that the resultant project will have no adverse impact on the public health, public welfare, or public safety of any nearby neighborhood, adjacent properties, or the Town as a whole.

- 8) Amend the Official Zoning Map to remove the current Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) district from the Official Zoning Map, and to add Mixed-Use & Multi-Family Residential Overlay District 1 (MUMFROD1), Mixed-Use & Multi-Family Residential Overlay District 2 (MUMFROD2), Mixed-Use & Multi-Family Residential Overlay District 3 (MUMFROD3), and Mixed-Use & Multi-Family Residential Overlay District 4 (MUMFROD4) to the Official Zoning Map, with specific parcels included in each overlay district as follows:

MUMFROD1: Low Density (15 Units per Acre) MUMFROD Overlay District –
Parcel 17-055 (121 Providence Highway);
Parcel 17-056 (115 Providence Highway);
Parcel 17-057 (89-91 Providence Highway);
Parcel 17-059 (75-85 Providence Highway);
Parcel 17-160 (71 Providence Highway);
Parcel 24-074 216-310 Providence Highway);
Parcel 26-016 (1 University Avenue);
Parcel 33-006 (90-100 Brigham Way);
Parcel 33-008 (160 University Avenue);
Parcel 33-051 (Parcel Whitewood Road);
Parcel 33-053 (140 University Avenue);
Parcel 33-058 (80 University Avenue); and
Parcel 33-059 (Parcel University Avenue).

MUMFROD2: Medium Density (20 Units per Acre) MUMFROD Overlay District –
Parcel 23-226 (22 Everett Street);
Parcel 23-227 (Everett Street); and

Parcel 37-010 (700 Canton Street).

MUMFROD3: High Density (35 Units per Acre) MUMFROD Overlay District

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Parcel 33-019 (85-91 University Avenue);
Parcel 33-054 (95 University Avenue); and
Parcel 33-056 (120 & 130 University Avenue).

MUMFROD4: Low Density (15 Units per Acre) Ground Floor Commercial

MUMFROD Overlay District –

Parcel 14-010 (679-697 High Street);
Parcel 21-040 (911-929 High Street); and
Parcel 21-041 (915 High Street).