WESTWOOD PLANNING BOARD WARRANT ARTICLES

FINANCE & WARRANT COMMISSION MEETING

February 27, 2024

PLANNING BOARD ARTICLES

 PB-I Zoning Bylaw – M 	UMFROD Overlay District
---	-------------------------

- PB-2 Zoning Bylaw Wireless Communication Facilities
- PB-3 Zoning Bylaw Definitions & Illustrations
- PB-4 Zoning Bylaw Zoning Map References
- PB-5 Zoning Bylaw Accessory Apartments
- PB-6 General Bylaw Temporary Dumpsters

PROPOSED ARTICLE PB-I MUMFROD EXPANSION

MBTA COMMUNITIES LAW

In 2020, State Zoning Act Amendments were enacted by the Legislature to promote the production of multi-family housing within walking distance of public transportation, in order to address a severe regional housing shortage.



Gables Residential at University Station

The Law:

"M.G.L. c. 40A, §3A (a)(1) An MBTA community \underline{shall} have a zoning ordinance or by-law that provides for at least one district of reasonable size in which multi-family housing is permitted as of right..."

MBTA COMMUNITIES LAW

Key Components of the Law

MBTA Communities **shall** amend their Zoning Bylaws to include:

- At least one zoning district of a reasonable size
- Located within ½ mile of a train station or bus stop
- Suitable for families with children (no age or bedroom restrictions)
- With a minimum gross residential density of 15 units per acre
- Multi-family permitting process cannot be discretionary

Annual Town Meeting May 2, 2022

<u>Article 22</u> – Zoning Bylaw & Zoning Map Amendments Relative to Mixed-Use & Multi-Family Residential Overlay Districts (MUMFROD)

To see if the Town will vote to approve certain amendments to the Zoning Bylaw by adding a new Section 9.9 [Mixed-Use & Multi-Family Residential Overlay District] pursuant to Chapter 358 of the Acts of 2020 amendments to M.G.L. Chapter 40A for MBTA Communities, and amending the Official Zoning Map to include a Mixed-Use & Multi-Family Residential Overlay District (MUMFROD) encompassing certain parcels identified within the proposed Section 9.9.

MUMFROD Overlay District Parcels

Street Address	Map & Lot	Lot Area (Acres)	1/2 Mile?	Current Zoning	Current Use	Tax Category
22 Everett St (Foster Block I)	23-226	1.92	Partially - IS	MUMFROD/FMUOD3	Industrial	Commercial
Everett St (Foster Block II)	23-227	4.86	Partially - IS	MUMFROD/FMUOD3	Vacant	Commercial
85-91 University Ave (Gables I)	33-019	3.74	Yes - Rt128	MUMFROD/UAMUD	Apartments	Residential
95 University Ave (Gables II)	33-054	2.89	Yes - Rt128	MUMFROD/UAMUD	Apartments	Residential
120-130 University Ave (Pulte)	33-056	2.75	Yes - Rt128	MUMFROD/UAMUD	Condos	Residential
		16.16				
				-		1

MUMFROD near Islington Station:



Foster Block Property - 22 Everett Street



MUMFROD near Rt 128 MBTA Station:



University Place by Pulte Homes 100 two-bedroom condos



Gables Residential 350 one & two-bedroom apartments



Section 9.9 - Mixed-Use & Multi-Family Residential Overlay District

- EIDR permit application process allows proposals up to 15 units per acre
- Planning Board public hearing process with abutter notification
- · Height, setback, parking requirements, drainage, lighting and landscaping review
- 15% of proposed units required to be affordable, 85% units are market rate
- 10% of units must have at 3 bedrooms
- Special permit process for development proposals in excess of 15 units per acre

MBTA COMMUNITIES GUIDELINES

Draft Guidelines were finalized on August 17, 2023

- Westwood is defines as a Commuter Rail Community
- Housing unit capacity requirement = 15% of stock
- 5,801 units \times 15% = 870 total unit capacity
- MUMFROD must include least 50 acres total land area.
- At least 25 acres within ½ mile of MBTA stations.
- Up to 25 acres may be located elsewhere in Westwood



DATE:

Commonwealth of Massachusetts EXECUTIVE OFFICE of HOUSING & LIVABLE COMMUNITIES

Municipal Officials in MBTA Communities

FROM-Secretary Edward M. Augustus, Jr.

August 17, 2023 Revisions to Section 3A Compliance Guidelines

On August 10, 2022, EOHLC released Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act (the "Guidelines"). One revision was made in October 2022. This is a summary of the second change. In response to feedback from municipal leaders in several MBTA communities, EOHLC is revising the Guidelines to offer MBTA communities a path to receive some credit for mixed-use development zoning districts. The revision also specifies how Section 3A compliance may affect certain discretionary grant award decisions. These revisions:

- 1. Allow an MBTA community to "offset" the minimum multi-family unit capacity requirement in certain multi-family zoning district(s) by up to 25%, based on the unit capacity of a mixed-use zoning district that meets key requirements of Section 3A and the Guidelines, but for requiring a ground floor non-residential component. Such "offset" - only available where existing village-style or downtown development is essential to preserve pedestrian access to amenities - still requires a municipality to demonstrate the same total amount of unit capacity.
- 2. Protect the financial feasibility of achieving housing goals where mixed-use zoning requires groundfloor non-residential uses by (i) setting forth location criteria for mixed-use development districts and requiring that EOHLC has pre-approved the location before the MBTA community's vote on its zoning changes: (ii) capping the percentage floor area of each development that may be required to be non-residential (ground floor only); (iii) requiring a broad mix of non-residential uses allowed as of rights and (iv) prohibiting minimum parking requirements for non-residential uses.
- 3. Allow MBTA communities to locate more housing in walkable and transit-oriented neighborhoods without jeopardizing existing non-residential resources and amenities. Many MBTA communities expressed a desire to locate districts in village-style or downtown neighborhoods but feared that allowing multi-family housing as of right in those areas could risk a loss of existing businesses and buildings. Many residents expressed a desire to live in village-style, downtown, and transit-oriented
- Add a list of thirteen discretionary grants programs to Section 9 to alert MBTA communities of additional grant programs that will consider compliance with Section 3A in making grant awards.

These revisions to the Guidelines are intended to provide greater flexibility to MBTA communities to adopt new zoning districts in mixed-use neighborhoods, and to promote housing opportunities for residents in such neighborhoods. The revisions do not reduce the total unit capacity required by the Guidelines.

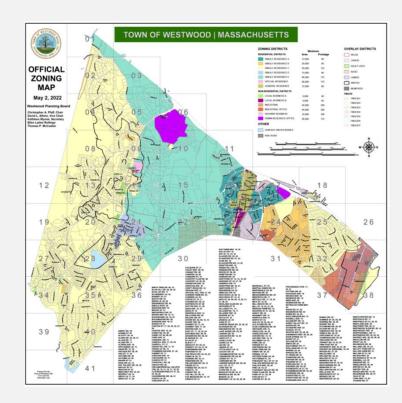
WESTWOOD'S CURRENT ZONING VS. GUIDELINES:

Current MUMFROD Overlay District:

- 16.16 acres in MUMFROD overlay district approved in May 2022
- 450 units at University Station plus 160 units at 22 Everett Street
- 610 units existing or under construction (not just capacity) in MUMFROD

MBTA Community Guidelines:

- Minimum of 50 acres, with at least 25 acres within $\frac{1}{2}$ mile of MBTA
- Minimum capacity of 870 units of multi-family housing
- EOHLC will not count actual developed number of housing units
- EOHLC will only count by-right unit capacity within designated zone
- 16.16 acres times 15 units per acre = existing capacity of only 242 units
- Westwood is required to increase unit capacity by at least 628 units
- Westwood is required to increase land area by at least 33.84 acres



AMENDMENTS TO MIXED-USE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT (MUMFROD)

Planning Board's Guiding Principles/Process for MUMFROD Expansion:

- Comply with letter and spirit of MBTA Communities Law
- Consider every parcel in Westwood
- · Carefully evaluate the potential benefits and detriments of each parcel
- Limit negative effects on developed residential neighborhoods
- · Preserve fiscally beneficial commercial development, where possible
- Prioritize sites near transit and within walking distance of public amenities
- Gain recognition of 610 multi-family units developed or under construction
- Develop proposal with greatest potential for voter support
- Achieve Board consensus on the parcel list based on extensive discussion, research, and resident feedback
- Do what is best for Westwood

AMENDMENTS TO MIXED-USE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT (MUMFROD)

MUMFROD-I: 15-unit per acre density

Majority of MUMFROD parcels

MUMFROD-2: 20-unit per acre density

Former Foster Block Property on Everett Street

MUMFROD-3: 35-unit per acre density

Gables and Westwood Place

MUMFROD-4: 15-unit per acre density with mixed-use commercial

- Goode Plaza and Michienzi Plaza on High Street
- Mandatory Commercial Uses on Ground Floor

DENSITY EXAMPLES

85-95 University Station
350 apartments = **51.9** units per acre





120-130 University Avenue 100 condos = **36.4** units per acre

DENSITY EXAMPLES

282-298 Washington Street
18 condos (mixed-use) = 21.7 units per acre





672 High Street 6 condos (mixed-use) = **13.6** units per acre

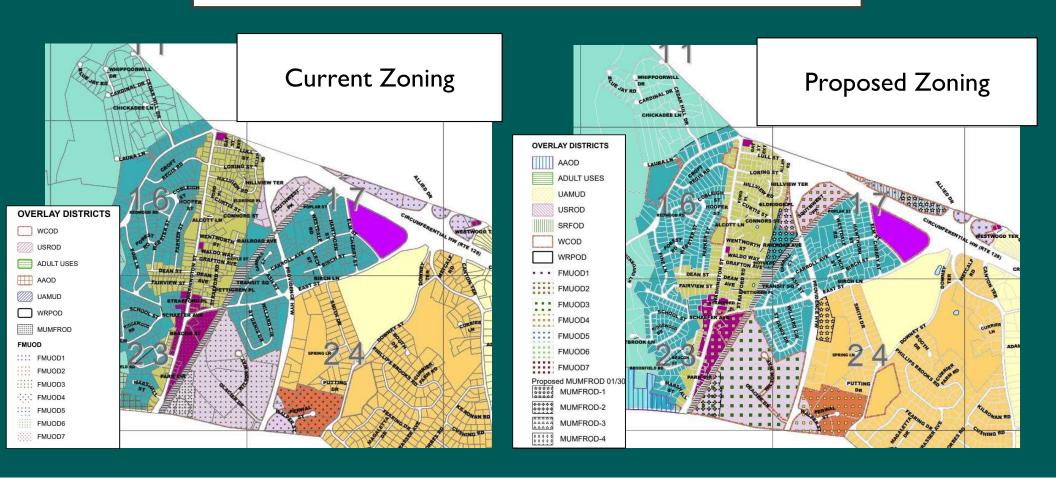
DENSITY EXAMPLES

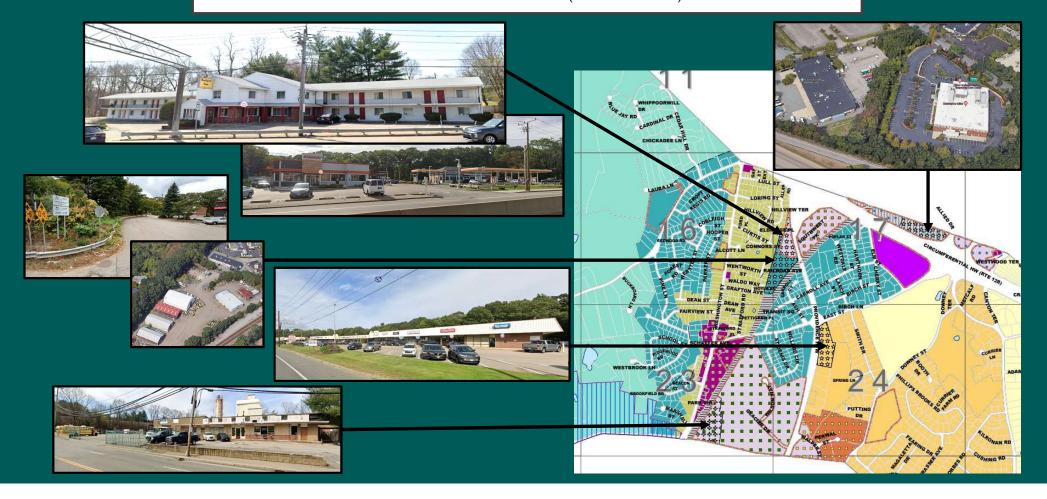
321 Washington Street 12 apartments (mixed-use) = 12.6 units per acre

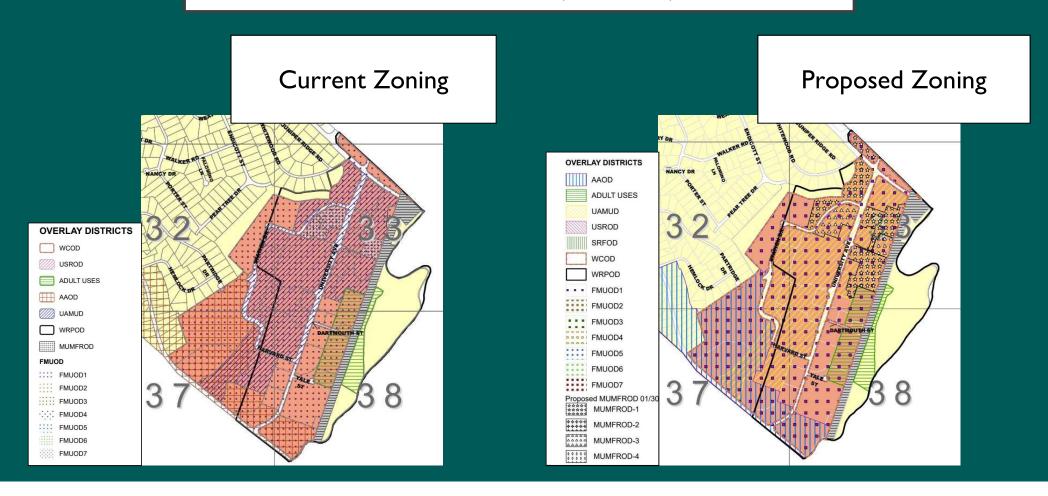




401-409 Washington Street 9 condos = **8.6** units per acre







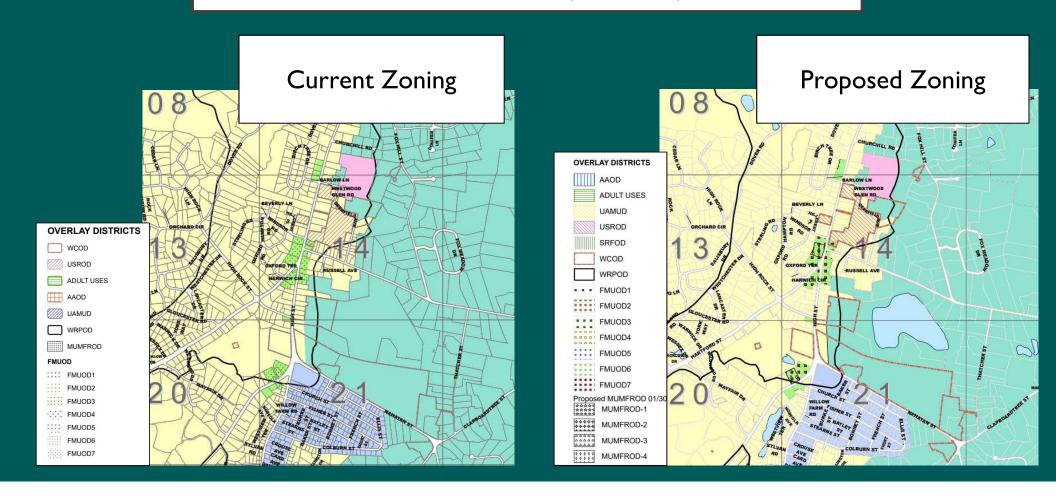


















AMENDMENTS TO MIXED-USE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT (MUMFROD)

Requirements in All MUMFROD Subdistricts

- EIDR permit application process allows proposals up permitted density
- Planning Board public hearing process with abutter notification
- Height, setback, parking requirements, drainage, lighting and landscaping review
- 15% of proposed units required to be affordable, 85% units are market rate
- 10% of units must have at 3 bedrooms
- Special permit process for residential in excess of permitted density

QUESTIONS?

PROPOSED ARTICLE PB-2 WIRELESS COMMUNICATION FACILITIES

AMENDMENTS TO WIRELESS COMMUNICATION OVERLAY DISTRICT

Amend Section 9.7 – University Avenue Mixed Use District (UAMUD)

Rooftop Wireless

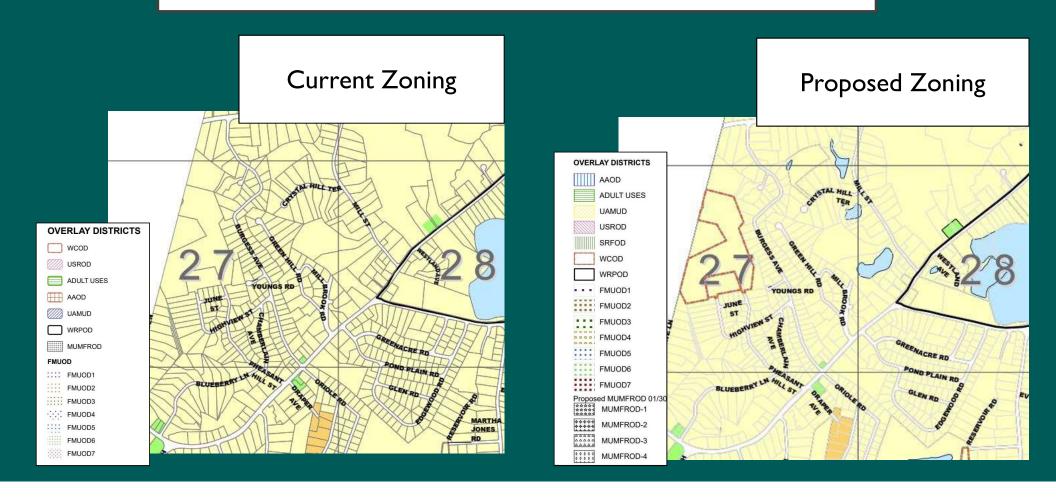
- Project Development Review (PDR) Approval required
- No higher than 10 feet above existing roof surface
- Stealth enclosures required if visible from adjacent properties
- Subsequent antenna replacements permitted by Administrative PDR Approval

Monopole Wireless

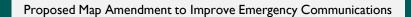
- Special Permit Approval required with abutter notification
- Flagpole style stealth monopole with maximum 36" diameter
- No more than two (2) monopoles within the UAMUD
- Subsequent antenna replacements permitted by Administrative PDR Approval



AMENDMENTS TO WIRELESS COMMUNICATION OVERLAY DISTRICT



AMENDMENTS TO WIRELESS COMMUNICATION OVERLAY DISTRICT







Example of Stealth Monopole



Pheasant Hill Conservation Area & June Street Playground

QUESTIONS?

PROPOSED ARTICLE PB-3 DEFINITIONS

AMENDMENTS TO DEFINITIONS

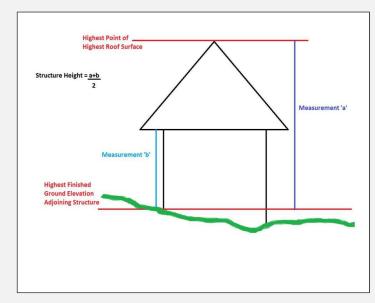
Building Height

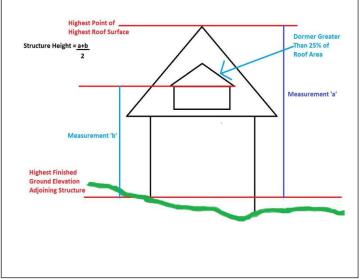
Proposed Revision to Definition:

<u>Building Height</u> The vertical distance from grade plane to the average height of the highest roof surface. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, amateur radio antennas and other necessary features usually carried above the roof line, provided such features do not cover more than twenty-five percent (25%) of the area of the roof of the building or other structure and are used in no way for human occupancy. (See illustrations.)

AMENDMENTS TO DEFINITIONS

Building Height Illustrations





AMENDMENTS TO DEFINITIONS

Lot Width

Proposed Revision to Definition:

<u>Lot Width</u> The minimum distance between the side lot lines at all points between the front lot line <u>through the extent of the required front setback distance</u> and the nearest point of a principal building.

AMENDMENTS TO DEFINITIONS

Rear Yard

Proposed Revision to Definition:

Yard, Rear A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the principal building projected to the side lines of the lot.

AMENDMENTS TO DEFINITIONS

Detached Accessory Structure

Proposed New Definition:

Detached Accessory Structure – A structure which is not physically attached to any primary structure on a property, is located remotely from that structure, and is self-supporting/freestanding. The use of an accessory structure shall not be dependent upon the primary structure and physical access must be independent. For example, a deck which is not connected to a house, but can be accessed directly from the interior would not be considered a detached structure.

AMENDMENTS TO DEFINITIONS

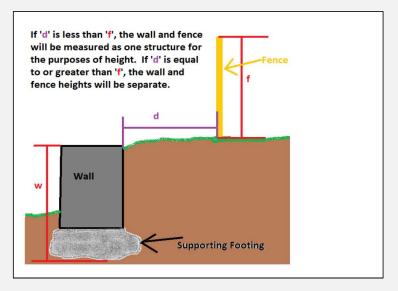
Retaining Wall Height

Proposed New Definition:

Retaining Wall Height – A retaining wall's height is determined from the bottom of the footing (or lowest level of constructed support) to the top of the wall. In the case of two or more terrace-style walls, if the distance between walls is less than twice the height of the lower wall, they are considered the same wall/structure. If the separation distance is more than twice the height of the lower wall, they are considered as separate walls/structures. (See illustration.)

AMENDMENTS TO DEFINITIONS

Retaining Wall Height Illustration



AMENDMENTS TO DEFINITIONS

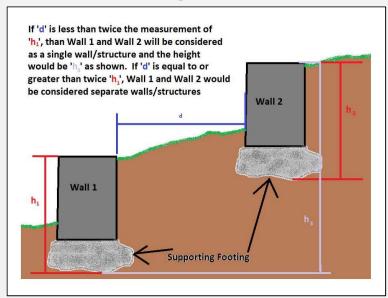
Combined Wall and Fence Height

Proposed New Definition:

Combined Wall and Fence Height – When a fence is installed adjacent to and above a wall (retaining or otherwise), and not separated by a distance equal to the fence's height, the wall and fence shall be measured together. If they are separated by more than the height of the fence, the fence is determined to be independent of the wall for the purposes of determining height. (See illustration.)

AMENDMENTS TO DEFINITIONS

Combined Wall and Fence Height Illustration



AMENDMENTS TO DEFINITIONS

Affordable Housing/Affordable Dwelling Units

Proposed Revision to Definition:

Affordable Housing/Affordable Dwelling Units Dwelling units available at a cost of no more than thirty (30) percent of gross household income to households at or below eighty (80) percent of the Boston PMSA median income as most recently reported by the U.S. Housing and Urban Development (HUD), including units listed under M.G.L Chapter 40B and the State's Local Initiative Program. All Affordable Housing/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 Executive Office of Housing & Livable Communities (EOHLC), or successor, or affordable dwelling units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies, where dwelling units are subject to a restriction in the chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Such dwelling units shall be affordable to households at or below eighty (80) percent of the Boston-Cambridge-Quincy, MA-NH Area Median Income as most recently reported by the U.S. Department of Housing and Urban Development (HUD). All said dwelling units shall be designed to 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. Where Affordable Housing is required pursuant to any Section of this Bylaw, the minimum number of Affordable Dwelling Units shall be as follows:

AMENDMENTS TO DEFINITIONS

Affordable Housing/Affordable Dwelling Units

Proposed Revision to Definition (continued):

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

QUESTIONS?

PROPOSED ARTICLE PB-4 MAP REFERENCES FOR OVERLAY DISTRICTS

REMOVAL OF ADDRESSES AND PARCEL NUMBERS FROM OVERLAY DISTRICTS

Amend Overlay District Sections

- Section 9.1.2 [Adult Uses Overlay District (AUOD)
- Section 9.4.2 [Wireless Communications Overlay District (WCOD)
- Section 9.8.2 [Substance Rehabilitation Facility Overlay District (SRFOD)
- and any other sections where references are to specific parcels

Remove Specific Parcel Number and Address References

Replace with Zoning Map References

REMOVAL OF ADDRESSES AND PARCEL NUMBERS FROM OVERLAY DISTRICTS

9.1.2 **Location.** The AUOD is herein established as an overlay district. The AUOD shall include the area as shown on the <u>Official</u> Zoning Map <u>within the Adult Uses Overlay District</u> (AUOD), <u>which area is generally</u> located east of University Avenue, <u>between in the vicinity of</u> Yale Street and Rosemont Road <u>Dartmouth Street</u>. The AUOD is located on the following parcels as shown on the Westwood Board of Assessors Map 38, Lots 3, 4, 5, 9 and 14, as of May 5, 1997.

REMOVAL OF ADDRESSES AND PARCEL NUMBERS FROM OVERLAY DISTRICTS

- 9.4.2 **Location.** The Wireless Communication Overlay District— (WCOD-I) is herein established as an overlay district. The WCOD shall include all land within the Administrative–Research-Office (ARO), Highway Business (HB), Industrial (I), and Industrial-Office (IO) districts, as well as other specific parcels as shown on the Official Zoning Map within the Wireless Communication Overlay District (WCOD) and as described herein:
 - 9.4.2.1 The WCOD shall comprise all land within the following zoning districts:

Administrative-Research-Office (ARO)

Highway Business (HB)

Industrial (I)

Industrial-Office (IO)

9.4.2.2 The WCOD shall also include the following specific parcels, or discreet portions of parcels, as shown on the Westwood Board of Assessors' Map, as of January 1, 2014:

Parcel 04-001 (Hale Reservation, limited to existing utility easement);

. . .

REMOVAL OF ADDRESSES AND PARCEL NUMBERS FROM OVERLAY DISTRICTS

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 area shown on the Official Zoning Map within the Substance Rehabilitation Facility Overlay District (SRFOD) 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).

QUESTIONS?

PROPOSED ARTICLE PB-5 ACCESSORY APARTMENTS

AMENDMENT OF ACCESSORY APARTMENT SECTION

Amend Section 8.5

8.5.6.2 The gross floor area of the Accessory Apartment shall not be less than five hundred (500) square feet.

8.5.6.3 The gross floor area of the Accessory Apartment shall not exceed the lesser of nine hundred (900) square feet, or thirty-three percent (33%) of the gross floor area of the combined dwelling or dwellings if the footprint of the principal dwelling remains unchanged, or twenty-four percent (24%) of the gross floor area of the combined dwelling if the footprint of the principal dwelling is enlarged.

QUESTIONS?

PROPOSED ARTICLE PB-6 TEMPORARY CONSTRUCTION DUMPSTERS

TEMPORARY CONSTRUCTION DUMPSTERS

Amend General Bylaw Chapter 342. Solid Waste

§ 342-2. Waste and/or recycling containers regulated.

For the purpose of controlling the maintenance and operation of dumpsters to protect and promote public health, safety, environmental conservation, and general welfare, no person or entity shall operate, keep, store, use or maintain a waste and/or recycling container associated with a non-residential or multi-family residential property, including without limitation a dumpster, compactor or other container intended or used for trash or recycling materials, including temporary construction dumpsters, except in accordance with this Section.

TEMPORARY CONSTRUCTION DUMPSTERS

§ 342-3. Dumpster covers and enclosures required.

Any waste and/or recycling container associated with a non-residential or multi-family residential property, shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. All such containers shall be fully screened within a gated dumpster enclosure so as not to be visible at eye level from any point on an abutting parcel or within any public right-of-way. Dumpster enclosures shall be solidly constructed of wood, stone, brick or similar materials, and shall not include chain link fencing, with or without vinyl privacy slats. Dumpster enclosure gates shall be closed and fastened at all times other than during brief periods of active loading and/or unloading of trash and/or recycling materials. Notwithstanding the above, a temporary dumpster associated with a non-residential or multi-family residential property shall not require integral cover, enclosure or screening, but shall be covered by a securely fastened impermeable tarp or other means sufficient to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.

TEMPORARY CONSTRUCTION DUMPSTERS

§ 342-4. Dumpster maintenance.

All waste and/or recycling containers, including temporary construction dumpsters associated with a non-residential or multi-family residential property, shall be in good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. All such containers shall be deodorized and washed on a semi-annual basis to prevent persisting putrescence or the buildup of potentially harmful or dangerous residues. The Health Director or Sanitarian may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Health Director or Sanitarian may require additional design/containment requirements utilizing best available technology.

QUESTIONS?

PLANNING BOARD PUBLIC HEARING CONTINUED TO MARCH 12, 2024 AT 7:00 PM VIA ZOOM

(SEE ZOOM LINK ON TOWN WEBPAGE)