

Brian D. Gorman, Chair
Deborah J. Conant, Vice Chair
Christopher A. Pfaff, Secretary
David L. Atkins, Jr.
William F. Delay

Town of Westwood
Commonwealth of Massachusetts



PLANNING BOARD

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

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

From: Brian Gorman, Planning Board Chair
Planning Board Members
Abby McCabe, Town Planner

Date: March 19, 2020

Re: Planning Board Zoning Bylaw Warrant Articles for Annual Town Meeting

At the Planning Board's meeting on March 17th, the Planning Board voted to amend the Planning Board's first article related to the renting of rooms to change the definition of a short term rental to be no fewer than two (2) consecutive days from the original proposal for no fewer than five (5) consecutive days. This change allows resident property owners to rent rooms for 2 or more days but prohibits the renting of rooms for fewer than two consecutive days.

On March 17th the Planning Board closed the public hearing on all zoning amendment articles and made recommendations below. One member was unable to vote due to the voting requirement not permitting a member to miss more than one hearing session¹. The member was away during the February 25th and the March 2nd continued hearing sessions. Therefore, the voting is reflective of four members of the Board.

Article 8: Select Board Article – Zoning Amendment Related to Medical Uses

The Planning Board voted 3-1 to not recommend favorable action on this article to Town Meeting.

Planning Board Sponsored Articles:

Article 1: Zoning Amendment to Renting of Rooms (Accessory Uses in Residential Districts)

The Planning Board voted 3-1 to recommend favorable action on the following amended article to the Finance and Warrant Commission.

¹ M.G.L. Chapter 39, Section 23D: Adjudicatory hearings; attendance by municipal board; voting disqualification.

The Planning Board voted 3-1 to recommend favorable action on the revised article to Town Meeting.

Article 2: Zoning Amendment Related to Prohibitive Uses

The Planning Board voted 3-1 to recommend favorable action to Town Meeting as written.

Article 3: Zoning Amendments Relative to Fire Arms & Explosives Sales and Services

The Planning Board voted 4-0 to recommend favorable action to Town Meeting on the article as written.

ZONING ARTICLES:

SELECT BOARD-8 Zoning Amendment Relative to Medical Uses

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw related to various medical uses by amending Section 4.1.2 [Table of Principal Uses], Section 4.2 [Notes for Table of Principal Uses], Section 9.5.8.1.9 [Use Permitted by FMUOD Special Permit in any FMUOD]; and Section 6.1.2 [Table of Parking Requirements]; or take any other action in relation thereto: ***New language is underlined, language to be removed shown in strikethrough.***

- 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 new Section 4.1.5.23 “Medical Center or Clinic”, 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
4.1.5.22 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
<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>N⁸</u>	<u>N</u>	<u>N</u>

2) Amend Section 4.2 [Notes for Table of Principal Uses] by adding a new Note 8 to read as follows, and renumber subsequent notes as appropriate:

⁸ Except in accordance with all applicable provisions of Section 9.7 [University Avenue Mixed Use District (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:

9.5.8.1.9 ~~Office of doctor or dentist~~ Office of Health Care Professional

4) Amend Section 6.1.2 [Table of Parking Requirements] to replace Section 6.1.5.3 “Office of doctor or dentist” with “Office of Health Care Professional” as follows:

6.1.5.3 ~~Office of doctor or dentist~~ Office of Health Care Professional

PLANNING BOARD-1: Zoning Amendment Related to the Renting of Rooms for Residential Properties

Zoning Amendment Related to the Renting of Rooms for Residential Properties

To see if the Town will vote to approve certain amendments to the Westwood Zoning Bylaw to include new definitions [Section 2.0] for renting of rooms for short-term and long-term; to update the Table of Accessory Uses [Section 4.3.1]; and to make amendments to Section 4.3.3 [Accessory Uses in Residential Districts]; or take any other action in relation thereto.

1) Add new definitions to Section 2.0 [Definitions] for “Short Term Rental” and “Long Term Rental” as follows:

Short-Term Rental Renting of rooms by resident owner, or the furnishing of table board in a dwelling by the resident owner, to a single family or to not more than three (3) persons other than members of the family for at least two (2) consecutive days and up to 29 consecutive days.

Long-Term Rental Renting of rooms by resident owner, or the furnishing of table board in a dwelling by the resident owner, to a single family or to not more than three (3) persons other than members of the family for 30 or more consecutive days.

2) Amend Section 4.3.3 [ACCESSORY USES IN RESIDNETIAL DISTRICTS] to amend Section 4.3.3.5 and to add new Sections 4.3.3.6 and 4.3.3.7, as follows, and renumber subsequent sections as appropriate:

ACCESSORY USE	DISTRICTS												
	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.3.3.5 Renting of rooms by a resident owner, or the furnishing of table board in a dwelling by the resident owner, to not more than three (3) persons other than members of the family. Long Term Rental	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.6 Short-Term Rental	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
4.3.3.7 Renting of rooms for fewer than two (2) consecutive days	N	N	N	N	N	N	N	N	N	N	N	N	N

(Planning Board)

PLANNING BOARD-2: Zoning Amendment Related to Prohibitive Uses

To see if the Town will vote to approve certain amendments to Section 1.4 of the Zoning Bylaw [Applicability]; or take any other action in relation thereto. ***(New wording is underlined)***

1) Amend Section 1.4 as follows:

- 1.4 **APPLICABILITY.** All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which

such building, structure or land is located. Any use not listed herein or otherwise permitted in a district shall be deemed as prohibited. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Bylaw shall control.

(Planning Board)

PLANNING BOARD-3: Zoning Amendment Relative to Fire Arms/Explosive Sales and Services

To see if the Town will vote to approve certain amendments to the Zoning Bylaw to the Table of Principal Uses [4.1.2] affecting Section 4.1.5.41 Fire Arms/Explosives Sales and Services as follows; or take any other action in relation thereto: *(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	BA N	BA N	BA	BA	N	N

(Planning Board)