



TOWN OF WINCHENDON
AGENDA & NOTICE OF MEETING

WINCHENDON TOWN CLERK
RCUD DEC 2 2021 PM 12:02

LS

Pursuant to the provisions of Chapter 30A, Sections 18-25 of the General Laws, as amended, notice is hereby given that a meeting of the following board, committee, or commission will be held on the date and time specified below. Said meeting will be open to the public and press and will be recorded.

BOARD/COMMITTEE: Planning Board – Meeting

DATE: December 7, 2021

TIME: 6:30 p.m.

**LOCATION: Town Hall – 2nd Floor Auditorium
109 Front Street Winchendon MA 01475**

Call to Order

Pledge of Allegiance

Announcements & Public Comments

ANR – River St.

Bradley Calvillo Living Trust

6:35 pm Public Hearings continuation - Site Plan application, seeking permission to construct on residential parcels, and Special Permit application, seeking access to residential parcels other than through frontage, submitted by Asher Construction for a project located on Weller Road identified as Assessors Map 5C3 Parcels 153, 222, 223, 224, & 225.

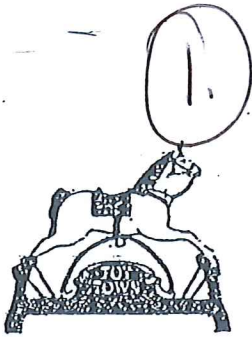
6:45 Public Hearing - Site Plan application from FIDC 163 LLC with an address of 100 DeBartolo Place Suite 400 Boardman, OH 44512 for a 2,502SF pharmacy with a drive thru on property located at 270 Central St., Winchendon, MA 01475 identified as Winchendon Assessors Map 5B3 Parcel 50 owned by Tighe J Mathieu of 105 Island Rd Winchendon MA 01475.

Zoning Review: Guest Speaker, Ted Brovitz

Brovitz Community Planning & Design

Minutes – November 16, 2021

Adjourn



Winchendon Planning Board
 Town Hall, 109 Front Street, Winchendon, MA 01475
 Telephone (508) 297-0085
 Fax (508) 297-1616

WINCH ANR



FORM A
(ANR)

WINCHENDON TOWN CLERK
 RCUD NOV 30 2021 AM 8:04
 US

To the Planning Board: The undersigned, believing that the accompanying plan of property in the Town of Winchendon does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits such plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Received by Planning Board TM PB # 2021-1129

Location of land _____
 # of lots being created herein _____
 Any remaining land does not create a nonconforming lot.

APPLICANT THE BRADLEY CALVILLO LIVING TRUST
 Address 671 RIVER ST., WINCHENDON
 Telephone number 508-733-0981

LANDOWNER THE BRADLEY CALVILLO LIVING TRUST & RUSSELL R. SCOTT
 Address SAME & 98 ASH ST., WINCHENDON

TITLE OF PLAN PLAN OF OUTLOTS PREPARED FOR THE BRADLEY CALVILLO
 Deed to the property is recorded in the Worcester District Registry of Deeds at: LIVING TRUST & RUSSELL R. SCOTT
 Book 54873 Page 542

Assessor's Map 4 Parcel 22 & 238 Zoning District R-80
 *One original (mylar) and five copies of this plan are to be submitted with this Form A to the Town Clerk, along with the filing fee.

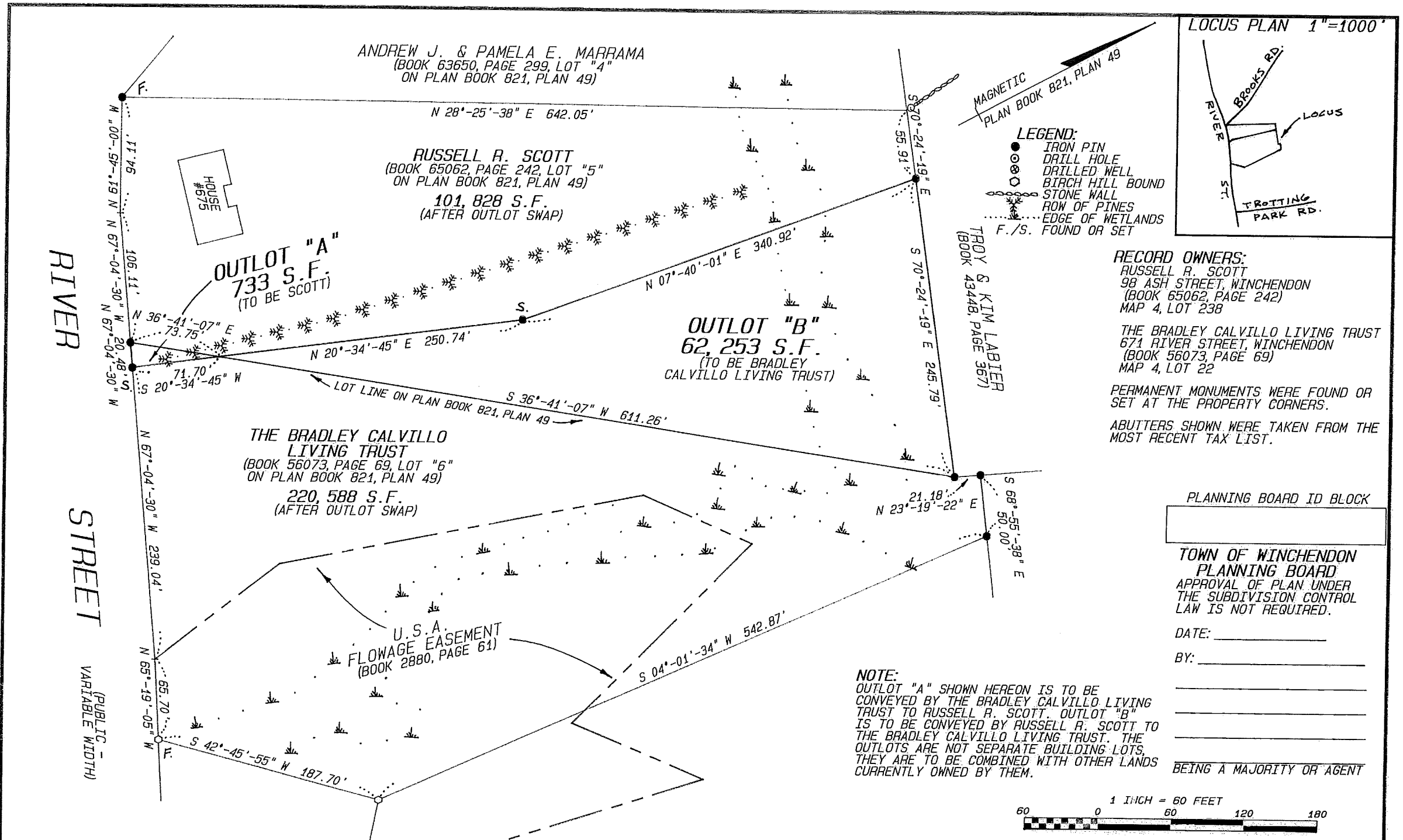
→ Signature of Applicant [Signature]
 → Signature of Landowner (S) [Signature]

To Town Clerk
 You are hereby notified that the plan described above has/has not been endorsed by the Planning Board on _____ as follows: "Planning Board Approval Under Subdivision Control Law Not Required".

 (Chairman)

Date copy sent to applicant _____ Revised 6/8/04

Tax: Kelly Wood Clerk 11-30-21



ZONING DISTRICT: R80
AREA: 80,000 S.F.
FRONTAGE: 200 FEET
FRONT SET BACK: 40 FEET
SIDE SET BACK: 25 FEET
REAR SET BACK: 50 FEET

THE OUTLOTS BEING CREATED AND THE REMAINING LANDS HAVE SUFFICIENT AREA OF BUILDABLE LAND (EXCLUDING WETLANDS, BUFFERS, AND 1:4 SLOPES) TO MEET THE REQUIREMENTS OF SECTION 7.2.1 OF THE WINCHENDON ZONING BYLAW.

ANR ENDORSEMENT DOES NOT CONSTITUTE COMPLIANCE WITH ZONING FOR LAND USE OR BUILDING PURPOSES NOR DOES IT CONVEY THE RIGHT TO DEVELOP THE PROPERTY.



11-11-21 Brian M. Szoc

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

BM Szoc

FOR REGISTRY USE ONLY

PLAN OF OUTLOTS
PREPARED FOR
THE BRADLEY CALVILLO LIVING TRUST & RUSSELL R. SCOTT
(APPLICANTS & RECORD OWNERS)
WINCHENDON, MA
NOVEMBER 11, 2021 SZOC SURVEYORS
66 PARKER ST., SUITE #3, GARDNER, MA
978-632-0233 SZOC SURVEYORS@VERIZON.NET

W-505

TOWN OF WINCHENDON



Planning Board

Telephone (978) 297-3308
Facsimile (978) 297-5411

109 Front Street
Winchendon, Massachusetts 01475-1758

Town of Winchendon, Planning Board
Public Hearing
Special Permit- Residential Access

Notice is hereby given that on Tuesday, May 18, 2021 at 6:45 PM the Winchendon Planning Board will conduct a Public Hearing to consider the Special Permit application from Asher Construction located at 77 Nashua Road, Sharon, NH 03458 for a project located on Weller Road Winchendon MA 01475 identified as Assessors Map 5C3 Parcels 153, 222, 223, 224, & 225 owned by the same for access to a residential use over a lot line other than the frontage as afforded by Article 7.4.1 of the Winchendon Zoning Bylaws. The property is located in the R10 – Neighborhood Residential and R80- Rural Residential Zoning Districts. The hearing will be held on the 2nd Floor of Winchendon Town Hall, 109 Front Street. All interested persons should plan to attend. Alternative translation and accommodation for disabled persons is available by advance request.

By: Guy C. Corbosiero, Chairman
Winchendon Planning Board

**This Hearing has been continued to December 7,
2021 at 6:35pm in the 2nd floor auditorium at 109
Front St. Winchendon.**

Please send an email to Nicole Roberts at nroberts@townofwinchendon.com if you are unable to attend but would like to offer comment.

Applicant
Contractor/Engineer Correspondance

Tracy Murphy

From: Tracy Murphy
Sent: Thursday, December 2, 2021 11:48 AM
To: Paul F. Grasewicz
Subject: FW: Planning Board Meeting Dec 7
Importance: High

no reply as of 1pm 12/2

Paul-

I inadvertently cc'd someone else on this email when I meant to cc you. Hoping you have some updated information that I can put in the packets.

Thank you,
Tracy

From: Tracy Murphy
Sent: Thursday, December 2, 2021 9:39 AM
To: 'Ben Olson' <beno@asherconstruction.com>; 'Paula Cannon' <paulacannon4@gmail.com>
Cc: Nicole Roberts <NRoberts@townofwinchendon.com>
Subject: Planning Board Meeting Dec 7
Importance: High

Good Morning-

I am contacting you to see if you have any information for the Board packets? I will be compiling them this morning and sending them out by 1pm.

I am concerned with the lack of communication regarding the updated design and hope to be able to give the Planning Board an update. Is it your intent to ask for a continuance?

Thank you,
Tracy

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

E-mail sent or received via the Town of Winchendon network are subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.

Tracy Murphy

From: Ben Olson <beno@asherconstruction.com>
Sent: Monday, November 29, 2021 1:01 PM
To: Tracy Murphy
Cc: Paul F. Grasewicz; Nicole Roberts
Subject: Re: Weller St.

Tracy,

Thanks for forwarding this information along. I don't take it lightly when someone has a concern but at the same time our site has nothing to do with any of the existing neighbors sites or dwellings. Our site has not adversely affected them at all other than aesthetics. It is my objective to get this site developed as quickly as possible and would have already been completed had the town given us approval. Like I said in a previous email as soon as we get approval we will take care of the site.

Also please let Jean know that all water is contained on the site with the exception of normal edge water runoff.

Ben Olson
Asher Construction, LLC
77 Nashua Rd
Sharon, NH 03458
603.562.5181
beno@asherconstruction.com
<https://www.asherconstruction.com/>

On Nov 29, 2021, at 12:18 PM, Tracy Murphy <tmurphy@townofwinchendon.com> wrote:

Good Morning-

I received an inquiry from an abutter concerning your project. Those concerns include: "We are worried about our property. There is nothing really supporting our house structure and grounds on site side except a broken down wall. We all of a sudden have numerous cracks in our basement and garage. We are really concerned. It's obvious that they don't want to move forward on this Winchendon site anytime soon and are focusing on their building in Templeton. This situation greatly reduces the value of new home. We are not happy."

Alison had asked our Peer Reviewer, Jean Christy to offer comment about current and long term site stability should the project be delayed or not constructed. Jean Christy offered the following:

"Should the Weller Street property be left in its current condition for an extended duration of time, a number of safety and environmental concerns come to mind. Given the existing slopes of the site, and the potential lack of vegetation, stormwater runoff from the property needs to be managed. Exposed earth should be stabilized, and other minimal stormwater controls be implemented and maintained, to prevent sediment laden water from leaving the property and entering an abutting property or the Winchendon municipal storm drainage system or receiving wetlands. Any partially completed

construction must be left in a safe condition – i.e. excavations backfilled, hazardous materials removed from the property, etc. “

I am hoping that some of these concerns will be addressed on the 7th.

Thank you,
Tracy Murphy

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

E-mail sent or received via the Town of Winchendon network are subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.

Tracy Murphy

From: Ben Olson <beno@asherconstruction.com>
Sent: Thursday, November 18, 2021 12:57 PM
To: Tracy Murphy
Cc: Paul F. Grasewicz; Nicole Roberts; GUY CORBOSIERO
Subject: Re: Planning Board Hearing

Tracy,

Thank you for extending the hearing. Unfortunately I will be away December 7 so Paul will be there to speak on my behalf. As soon as we get planning board approval, and building permits and weather pending we will get started again on the project. The project is not affecting any other neighbors other than aesthetics. I don't like this as well and would be completed already with the project had we gotten approval. If someone says that water is coming off of subject property and onto there property that is not true. All water is contained on the site. There is no way water running off the site that is not normal.

Thank you for all that you do!!!!

Ben Olson
Asher Construction, LLC
77 Nashua Rd
Sharon, NH 03458
603.562.5181
beno@asherconstruction.com
<https://www.asherconstruction.com/>

On Nov 18, 2021, at 12:25 PM, Tracy Murphy <tmurphy@townofwinchendon.com> wrote:

Good Morning Paul & Ben,

The Planning Board continued the Weller St. hearing to Dec 7 at 6:35 pm. The Board has asked that both of you attend as there have been numerous questions from the abutters regarding timeline, the current state of the property etc.

I understand that you have made progress with the re-design to which we are grateful. However, I will need a copy of the plan as soon as I can to get input from the respective departments as the Planning Board has also asked for that in time for the next meeting.

Thank you,

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

Engineers opinion of
current condition of Site

Tracy Murphy

From: Jean E. Christy <JEChristy@tigheBond.com>
Sent: Thursday, October 14, 2021 1:25 PM
To: Alison Manugian; Tracy Murphy
Subject: RE: Weller Street

Tracy/Alison,

Should the Weller Street property be left in its current condition for an extended duration of time, a number of safety and environmental concerns come to mind. Given the existing slopes of the site, and the potential lack of vegetation, stormwater runoff from the property needs to be managed. Exposed earth should be stabilized, and other minimal stormwater controls be implemented and maintained, to prevent sediment laden water from leaving the property and entering an abutting property or the Winchendon municipal storm drainage system or receiving wetlands. Any partially completed construction must be left in a safe condition – i.e. excavations backfilled, hazardous materials removed from the property, etc.

I definitely think there is some restoration work that should occur, at a minimum, to maintain the hydrology of the site. Bringing it back to its pre-existing condition may not be viable, but grassy vegetation and monitoring may be the right start. Unfortunately we are reaching the end of the growing season, so a temporary stabilization practice of straw mulch spread over disturbed areas may be necessary until spring.

Please let me know if you need anything further, or if a call is warranted.

Thanks,

Jean Christy, PE
Senior Engineer

Tighe&Bond

o. 413.572.3238 | m. 413.668.6019

53 Southampton Road, Westfield, MA 01085
w: tighebond.com | halvorsondesign.com



From: Alison Manugian <AManugian@townofwinchendon.com>
Sent: Tuesday, October 12, 2021 12:07 PM
To: Jean E. Christy <JEChristy@tigheBond.com>
Cc: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: Weller Street

[Caution - External Sender]

Jean,

We have not yet received any significant updates to the Weller Street Site Plan/Special Permit from Asher Construction. They made some minor tweaks to drainage calcs, but have made no layout updates to any part of the shared driveway.

Weller St.
Abutters Concerns

Tracy Murphy

From: Tracy Murphy
Sent: Monday, November 29, 2021 11:39 AM
To: 'Paula Cannon'
Subject: RE: 61 Weller Street - Concerns

Paula-

I am going to forward your concerns to the developer in hopes that he will be prepared to address them. Also, the notice sent out had December 9 as the continued hearing date. This is incorrect, the hearing has been continued to December 7. We will be sending corrected notices to everyone today.

Thank you,
Tracy

From: Paula Cannon [mailto:paulacannon4@gmail.com]
Sent: Monday, November 29, 2021 11:24 AM
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: Re: 61 Weller Street - Concerns

We are worried about our property. There is nothing really supporting our house structure and grounds on site side except a broken down wall. We all of a sudden have numerous cracks in our basement and garage. We are really concerned. It's obvious that they don't want to move forward on this Winchendon site anytime soon and are focusing on their building in Templeton. This situation greatly reduces the value of new home. We are not happy.

Sent from my iPhone
Paula Cannon
Tel: 978.764.5992
Paulacannon4@gmail.com

On Nov 29, 2021, at 9:23 AM, Tracy Murphy <tmurphy@townofwinchendon.com> wrote:

Hi Paula-

We have not received anything. As soon as I do I will forward it your way.

Tracy

From: Paula Cannon [mailto:paulacannon4@gmail.com]
Sent: Sunday, November 28, 2021 1:59 PM
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: Fwd: 61 Weller Street - Concerns

Hi Tracy,

Just wondered if you have received a plan from Asher that a might get a copy of before the meeting Dec 9.

Regards,

Sent from my iPhone
Paula Cannon
Tel: 978.764.5992
Paulacannon4@gmail.com

Begin forwarded message:

From: Paula Cannon <paulacannon4@gmail.com>
Date: November 11, 2021 at 11:54:32 AM EST
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: Re: 61 Weller Street - Concerns

Not having a plan as of yet shows me that this will be delayed once again. Our attendance at the meeting may be fruitless. Thoughts?

Sent from my iPhone
Paula Cannon
Tel: 978.764.5992
Paulacannon4@gmail.com

On Nov 10, 2021, at 1:16 PM, Tracy Murphy
<tmurphy@townofwinchendon.com> wrote:

Good Afternoon-

Thank you for your input. I will include this correspondence in the Planning Board packet. As of today, I do not have an updated definitive plan from the developer.

Thank you,
Tracy Murphy

-----Original Message-----

From: Paula Cannon [<mailto:paulacannon4@gmail.com>]
Sent: Wednesday, November 10, 2021 12:17 PM
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: 61 Weller Street - Concerns

Tracy,

I am sending this email to detail our concerns regarding the Asher Construction site that is partially on and adjoins our property (plot #153) 61 Weller Street as requested by the board at the last meeting. I do plan to attend the November 16 meeting but I am not positive of that at this time. My son Edwin will not be able to attend.

Concerns are as follows:

- The rock supporting walls are falling apart and need to be repaired or replaced since they literally hold up our side property along our driveway and Weller Street area.
- The removal of several piles of soil and also debris consisting of dead trees, overgrowth of weeds etc, and disposed concrete that is on our property. We want to retain the existing healthy trees. When I first walked on that area prior to our closing it was beautiful and we would like it returned to that standard.
- Erosion is a great concern, due to what happened to our existing backyard whereby the top soil and grass seed washed away due to intense rain.

Asher has been good about correcting our problems. There is some wall painting and repairs that still need to be completed in the house so I do feel confident that they will do a good job with the new site.

Paula and Edwin Cannon

November 10, 2021

Sent from my iPhone

Paula Cannon

Tel: 978.764.5992

Paulacannon4@gmail.com

Weller St. Peer Review
correspondance

Tracy Murphy

From: Jean E. Christy <JEChristy@tigheBond.com>
Sent: Thursday, December 2, 2021 11:19 AM
To: Tracy Murphy
Cc: Nicole Roberts
Subject: RE: Weller St
Attachments: Weller Street

Tracy,
Attached is the most recent documents I received from Paul back in September. I haven't received anything since. If I need to jump on reviewing these documents, I can expediate that.
Thanks,

original application
submittal

Jean Christy
Senior Engineer

Tighe&Bond

o. 413.572.3238 | m. 413.668.6019

53 Southampton Road, Westfield, MA 01085
w: tighebond.com | halvorsondesign.com



From: Tracy Murphy <tmurphy@townofwinchendon.com>
Sent: Thursday, December 2, 2021 11:10 AM
To: Jean E. Christy <JEChristy@tigheBond.com>
Cc: Nicole Roberts <NRoberts@townofwinchendon.com>
Subject: RE: Weller St
Importance: High

[Caution - External Sender]

Hi Jean-

Thanks for the prompt response. The Fire Chief had not signed off on the design because emergency apparatus could not get onto the site. This necessitated a complete re-design.
The town was led to believe that they were sending you an updated site plan and storm water management plan.

If I understand correctly, you have not received an updated site plan nor storm water calculations?

Thank you,
Tracy

From: Jean E. Christy [<mailto:JEChristy@tigheBond.com>]
Sent: Thursday, December 2, 2021 10:57 AM
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: RE: Weller St

Hi Tracy,

Last I knew, we were supposed to get together and talk about Graz's responses to our comments and the Board/Town's concerns in September to come to some sort of plan of action, but that didn't happen. I haven't heard directly from Graz since mid-September.

Thanks,

Jean Christy
Senior Engineer

Tighe&Bond

o. 413.572.3238 | m. 413.668.6019

53 Southampton Road, Westfield, MA 01085
w: tighebond.com | halvorsondesign.com



From: Tracy Murphy <tmurphy@townofwinchendon.com>
Sent: Thursday, December 2, 2021 10:54 AM
To: Jean E. Christy <JEChristy@tigheBond.com>
Subject: Weller St
Importance: High

[Caution - External Sender]

Hi Jean-

Have you had any contact with the Weller St. team? The hearing was continued to Dec 7 and I am trying to put together the hearing packet. They have not provided me with any updated information.

Thank you,
Tracy

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

E-mail sent or received via the Town of Winchendon network are subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.

Last contact from
Weller St. team

Tracy Murphy

From: Paul Grasewicz <paulgrasewicz@gmail.com>
Sent: Thursday, September 16, 2021 4:43 PM
To: Jean E. Christy; Alison Manugian
Cc: Tracy Murphy; Ben Olson
Subject: Weller Street
Attachments: Jean Christy Email.docx; Plans 9-16-21.pdf; sewer profile.pdf; Drive Profile.pdf; 9-14-21 Pre Condition.pdf; 9-14-21 Post Condition.pdf; 21.Weller elevation and floor plan.pdf; 29.Weller elevation and floor plan.pdf; 35.Weller elevation and floor plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[Caution - External Sender]

Hi,

Please see the annotated response letter/e-mail, revised plans & calculations.

Regards,

Paul Grasewicz, PE
GRAZ Engineering, LLC

TOWN OF WINCHENDON

WINCHENDON TOWN CLERK
RCUD NOV 18 2021 AM 10:45

DLJ



Telephone (978) 297-3537

Planning Board

109 Front Street
Winchendon, Massachusetts 01475-1758

**Town of Winchendon
Planning Board
PUBLIC HEARING NOTICE**

Notice is hereby given that on Tuesday, December 7, 2021 at 6:45 PM in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475 the Winchendon Planning Board will hold a Public Hearing for Formal Site Plan Review regarding the application of FIDC 163 LLC with an address of 100 DeBartolo Place Suite 400 Boardman, OH 44512 for a 2,502SF pharmacy with a drive thru on property located at 290 Central St., Winchendon, MA 01475 identified as Winchendon Assessors Map 5B3 Parcel 50 owned by Tighe J Mathieu of 105 Island Rd Winchendon MA 01475. Said property is located in the 'PD' Planned Development zone. A copy of the application is available at the Dept. of P&D, Winchendon Town Hall. All interested persons should plan to attend. Reasonable accommodation can be made by contacting the department during business hours, (978) 297-3537 at least three days in advance of the hearing. The Town of Winchendon is an equal opportunity provider, and employer.

BY: Guy C. Corbosiero, Chair
Winchendon Planning Board

Publish Dates: Nov 23, Nov 30

6:45

TOWN OF WINCHENDON

WINCHENDON TOWN CLERK
RECORDED 3 2021 PM 1:45
DJD

Planning Board



Telephone (978) 297-0085
Facsimile (978) 297-1616

109 Front Street
Winchendon, Massachusetts 01475-1758
Application for Site Plan Approval

Fee paid: Town of Winchendon \$ _____ Winchendon Courier \$ _____

Pursuant to the provisions of Massachusetts General Law Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayers, Section 2 L 1: 'Any Board ... shall deny the application ... for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charge.' Certification must be obtained from the Town Treasurer on this form before it is submitted to the Planning Board. The Town Treasurer has up to ten (10) days to complete certification.

I hereby certify that no debt is owed to the Town by the applicant or the owner of record for a period of time greater than twelve (12) months.

Kelly Wood Clerk _____ Date 11-3-21
Town Treasurer _____

PB # 2021-1103 Rec'd by Planning Board tm

APPLICANT name FIDC 163 LLC
100 DeBartolo Place, Suite 400,
Address Boardman, OH 44512 Tel. # 330-729-1010

LANDOWNER name Tighe J. Mathieu
Address 105 Island Road, Winchendon, MA 01475 Tel. # _____

LOCATION OF LAND 230 290 Central Street, Winchendon, MA 01475

TITLE OF PLAN Proposed Walgreens

Property is to be used for Proposed Walgreens

under Article 3.2 of the Schedule of Use Regulations of the Town of Winchendon
Deed to the property, as recorded in the Worcester District Registry of Deeds
Book 7244 Page 258 and is shown on
Assessors Map 5B3 Parcel 50 Zoning PD
Lot size .5ac

The undersigned hereby request approval of a site plan under Section 5.2 of the Winchendon Zoning Bylaws and further certify that all information provided in this application and site plan is true.

OWNER signature _____
APPLICANT signature _____

Original of this application must be submitted to the Town Clerk.

TOWN OF WINCHENDON



Telephone (978) 297-0085
Facsimile (978) 297-1616

Planning Board

109 Front Street
Winchendon, Massachusetts 01475-1758

Application for Site Plan Approval

Fee paid: Town of Winchendon \$ _____ Winchendon Courier \$ _____

Pursuant to the provisions of Massachusetts General Law Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayers, Section 2 L 1: 'Any Board ... shall deny the application ... for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charge.' **Certification must be obtained from the Town Treasurer on this form before it is submitted to the Planning Board. The Town Treasurer has up to ten (10) days to complete certification.**

I hereby certify that no debt is owed to the Town by the applicant or the owner of record for a period of time greater than twelve (12) months.

Town Treasurer

Date

See cover application sheet

PB # _____ Rec'd by Planning Board _____

APPLICANT name FIDC 163 LLC
100 DeBartolo Place, Suite 400,
Address Boardman, OH 44512 Tel. # 330-729-1010

LANDOWNER name Tighe J. Mathieu
Address 105 Island Road, Winchendon, MA 01475 Tel. # _____

LOCATION OF LAND 290 Central Street, Winchendon, MA 01475

TITLE OF PLAN Proposed Walgreens

Property is to be used for Proposed Walgreens

under Article 3.2 of the Schedule of Use Regulations of the Town of Winchendon
Deed to the property, as recorded in the Worcester District Registry of Deeds
Book _____ Page _____ and is shown on
Assessors Map _____ Parcel _____ Zoning _____
Lot size _____

The undersigned hereby request approval of a site plan under Section 5.2 of the Winchendon Zoning Bylaws and further certify that all information provided in this application and site plan is true.

OWNER signature _____

APPLICANT signature _____

Original of this application must be submitted to the Town Clerk.

RECORD & RETURN:
Richard W. Dearborn, Esquire
370 Main Street
Worcester, MA 01608

BK 22904 PG 016

Handwritten initials

98081

Ralph E. Mathieu

of Winchendon, Worcester County, Massachusetts,

for consideration paid, and in full consideration of **Seventy-Five Thousand Three Hundred Dollars (\$75,300.00)**

grants to **Tighe J. Mathieu**

of **289 High Street, Winchendon, Massachusetts** *with quitclaim covenants*

(Description and encumbrances, if any)

The real estate in Winchendon, Massachusetts located on the northeasterly side of Central Street, being the so-called "Slavin Lot" and being the same premises described in deed of Milton Posovsky to Grantor dated May 29, 1981 and recorded in Worcester District Registry of Deeds, Book 7244, Page 258 and subject to the sewer easement to the Town of Winchendon as set forth in that deed.

Signed under seal this 1st day of July, 1997.

[Signature]
Ralph E. Mathieu

The Commonwealth of Massachusetts

Worcester, ss.

July 1, 1997

Then personally appeared the above-named **Ralph E. Mathieu** and acknowledged the foregoing instrument to be his free act and deed, before me,

[Signature]
Notary Public **Zalman Barry Jaffe**
My commission expires: August 1, 1997

Central Street, Winchendon, MA

00 AUG 17 PM 3:49

Worcester
Deeds Reg 20
Worcester
08/17/99 3:59 PM
000000 \$409.00
FEE \$343.36
CASH \$343.36
CANCELLLED

ATTEST: WORC. Anthony J. Vigliotti, Register

Department Comments

DPW

Tracy Murphy

From: Brian Croteau
Sent: Monday, November 29, 2021 11:48 AM
To: Tracy Murphy
Subject: RE: Walgreens Site Plan Application

Thank You

From: Tracy Murphy
Sent: Monday, November 29, 2021 11:47 AM
To: Brian Croteau <bcroteau@townofwinchendon.com>
Subject: RE: Walgreens Site Plan Application

I will also include a special condition that construction of the curb cuts, etc. is to be coordinated through your office to coincide with the Central St. project.

From: Brian Croteau
Sent: Monday, November 29, 2021 11:44 AM
To: Tracy Murphy <tmurphy@townofwinchendon.com>; Geoff Newton <GNewton@townofwinchendon.com>; Jim Abare <jabare@townofwinchendon.com>; Tom Smith <tsmith@townofwinchendon.com>; Bryan Vaine <bvaine@townofwinchendon.com>; Dave Walsh <dwalsh@townofwinchendon.com>
Cc: Justin Sultzbach <JSultzbach@townofwinchendon.com>; Nicole Roberts <NRoberts@townofwinchendon.com>
Subject: RE: Walgreens Site Plan Application

Tracey,
I have reviewed the Walgreen plans and have no concerns or questions. As discussed before they will be responsible to pay the Central St. contractor for all utility tie in work and pay the fees to the town for the tie ins plus permit costs.

Thank You
Brian Croteau
Public Works Director
Town of Winchendon
Tel. – 978-297-5411
Fax – 978-297-5403



From: Tracy Murphy
Sent: Monday, November 22, 2021 5:36 PM
To: Geoff Newton <GNewton@townofwinchendon.com>; Jim Abare <jabare@townofwinchendon.com>; Brian Croteau <bcroteau@townofwinchendon.com>; Tom Smith <tsmith@townofwinchendon.com>; Bryan Vaine <bvaine@townofwinchendon.com>; Dave Walsh <dwalsh@townofwinchendon.com>
Cc: Justin Sultzbach <JSultzbach@townofwinchendon.com>; Nicole Roberts <NRoberts@townofwinchendon.com>

Subject: RE: Walgreens Site Plan Application

Importance: High

Good Afternoon-

Just a friendly reminder to send any comments you have to me regarding the Walgreens proposal. I will be compiling the packet next Wednesday.

Please disregard this email if you have already sent your comments.

Thank you,

Tracy

From: Tracy Murphy

Sent: Monday, November 8, 2021 1:14 PM

To: Geoff Newton <GNewton@townofwinchendon.com>; Jim Abare <jabare@townofwinchendon.com>; Brian Croteau <bcroteau@townofwinchendon.com>; Tom Smith <tsmith@townofwinchendon.com>; Bryan Vaine <bvaine@townofwinchendon.com>; dwalsh@town.winchendon.ma.us

Cc: Justin Sultzbach <JSultzbach@townofwinchendon.com>; Nicole Roberts <NRoberts@townofwinchendon.com>

Subject: Walgreens Site Plan Application

Good Afternoon-

Walgreens has submitted an application for Site Plan approval. Their hearing has been set for Dec 7, 2021.

Please review the attached site plan (pg. C-4 of the plan set) and forward any concerns to me as soon as possible but no later than Wednesday Nov. 30.

I have hard copies of the plan in my office should you wish.

Feel free to reach out with any questions.

Thanks,

Tracy

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

E-mail sent or received via the Town of Winchendon network are subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.

POLICE

Tracy Murphy

From: Tracy Murphy
Sent: Monday, November 8, 2021 1:59 PM
To: Dave Walsh
Subject: RE: Walgreens Site Plan Application

Thank you

From: Dave Walsh
Sent: Monday, November 8, 2021 1:23 PM
To: Tracy Murphy <tmurphy@townofwinchendon.com>
Subject: RE: Walgreens Site Plan Application

Tracy,

I have no questions or concerns with this project.

Chief Walsh

From: Tracy Murphy
Sent: Monday, November 8, 2021 1:14 PM
To: Geoff Newton <GNewton@townofwinchendon.com>; Jim Abare <jabare@townofwinchendon.com>; Brian Croteau <bcroteau@townofwinchendon.com>; Tom Smith <tsmith@townofwinchendon.com>; Bryan Vaine <bvaine@townofwinchendon.com>; Dave Walsh <dwalsh@townofwinchendon.com>
Cc: Justin Sultzbach <JSultzbach@townofwinchendon.com>; Nicole Roberts <NRoberts@townofwinchendon.com>
Subject: Walgreens Site Plan Application

Good Afternoon-

Walgreens has submitted an application for Site Plan approval. Their hearing has been set for Dec 7, 2021. Please review the attached site plan (pg. C-4 of the plan set) and forward any concerns to me as soon as possible but no later than Wednesday Nov. 30.

I have hard copies of the plan in my office should you wish. Feel free to reach out with any questions.

Thanks,
Tracy

Tracy Murphy
Director of Planning & Development
Town of Winchendon
109 Front St.
Winchendon MA 01475
1-978-297-5414

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FIRE

Tracy Murphy

From: Tom Smith
Sent: Monday, November 8, 2021 8:33 PM
To: Tracy Murphy
Subject: Re: Walgreens Site Plan Application

Tracy,

The fire department does not see any immediate issues with the submitted application. I appreciate that they have taken into consideration the public safety response of our larger apparatus. Would they be putting a Fire Department connection in the front on the building on the Central St side? Also we would be looking to work with them on both sprinkler system projects and the fire alarm system.

Chief Smith

Sent from my iPad

> On Nov 8, 2021, at 1:15 PM, Tracy Murphy <tmurphy@townofwinchendon.com> wrote:

>

> Good Afternoon-

>

> Walgreens has submitted an application for Site Plan approval. Their hearing has been set for Dec 7, 2021.

> Please review the attached site plan (pg. C-4 of the plan set) and forward any concerns to me as soon as possible but no later than Wednesday Nov. 30.

>

> I have hard copies of the plan in my office should you wish.

> Feel free to reach out with any questions.

>

> Thanks,

> Tracy

>

> Tracy Murphy

> Director of Planning & Development

> Town of Winchendon

> 109 Front St.

> Winchendon MA 01475

> 1-978-297-5414

>

>

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>

WINCHENDON ZONING BYLAW AUDIT - PART 1

Articles 1 Through 6

Prepared by Ted Brovitz, Brovitz Community Planning & Design

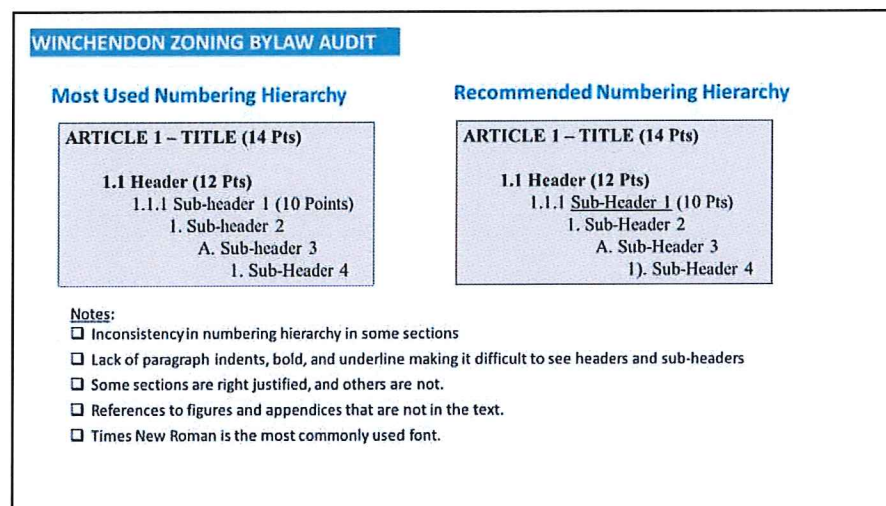
November 15, 2021

Introduction

The purpose of this evaluation is to identify provisions in the Winchendon Zoning Bylaw that could be revised to provide better economic development opportunities in targeted areas; allow for an appropriate density and mixed of uses in designated zoning districts while ensuring higher quality design; identify sections of the bylaw where reorganization and coordination is needed; suggest updated terms, uses and techniques which to consistent with current planning and sustainable development best practices; and general recommendations for making the document more user-friendly. This audit follows the Zoning Bylaw Table of Contents and provides commentary and recommendations for key provisions.

Table of Contents – General Comments

- The articles are not consistent with the page number references.
- There should be a list of tables, figures, diagrams, examples, and appendices. If they are not located in the bylaw than the source should be identified.
- Page numbers should start at Article 1 (currently they start on the front cover).
- The 2 photos on the front cover (solar and wind energy) are out of context and should be relocated to Section 6.10 and 6.11.
- The footer identifies the bylaw last being amendment on May 21, 2018 but the date on the cover says October 28, 2019.
- There is inconsistency in the numbering hierarchy throughout the bylaw. The most commonly used numbering sequence is identified below. A numbering format should be selected and used throughout the bylaw as suggestion in the diagram below.



- Some sections are right justified, and others are not.
- The lack of paragraph indents, bold, and underline make it difficult to distinguish section headers and sub-headers. The entire bylaw should be reformatted with a consistent paragraph structure and numbering hierarchy.
- There are numerous references to figures, examples, and appendices that are not located in the bylaw. The table of contents should include consistent references and a list of all appendices, figures, tables, diagrams, and illustrative examples.

Zoning Bylaw Tables and Figures (Existing)

- TABLE 3.1. Zoning District Designations
- 5.2. SCHEDULE OF USE REGULATIONS (Last amended May 15, 2017)
- TABLE 6.3. SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)
- FIGURE A : WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)
- FIGURE B: WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)
- 7.2 TABLE OF DIMENSIONAL & DENSITY REGULATIONS
- Table 8.7 Stacking & Escape Lane Requirements

Planning Board Rules, Regulations, and Design Guidelines (formerly Appendices)

The Appendices should be thoroughly updated and reformatted. Below are existing appendices, figures and examples.

- APPENDIX A. FIGURES AND GUIDELINES
- FIGURE A.3.1.1 – Housing Types: Single Family Detached, Duplex (2-family attached), Town Houses, Multi-Family, and Garden-Style Apartments – see Articles 2, 3.1, and 4.6.6-3.
- FIGURE A.3.1.2 – Residential Intensities, see Articles 2, 3.1 and 4.7
- FIGURE A.3.1.3 – Commercial and Industrial Use Patterns – see Articles 2, 3.1
- FIGURE A.3.1.4 – Planned Development, Mixed use – see Articles 2, 3.1 and 4.7
- Updated Zoning Map available in Town Clerks Office and Department of Planning and Development.
- EXAMPLE A.3.2. ZONING EXAMPLE
- FIGURE A.4.6. GOLF RESIDENTIAL OVERLAY DISTRICT MAP (N.B. Map not to scale.)
- FIGURE A.6.3 Accessory Structure – see Article 2 and 6.3
- FIGURE A.7.2.1 Lot definitions – see Article 2
- Examples deleted due to Zoning Bylaw change of May 22, 2007 (unclear what this was)
- Examples deleted due to Zoning Bylaw change of May 22, 2007 (unclear what this was)
- FIGURE A.7.2.3 – Yard definitions – see Article 2 and 7.2
- FIGURE A.7.2.4 – Buffer Zones or Yards – see Article 2 and 7.2
- FIGURE A.7.2.5 – Building height – see Section 7.2

- FIGURE A.7.2.6 – Impervious Surface – see Section 7.2
- FIGURE A.7.3 – Reduced frontage lot – see Section 7.3, Panhandles (aka. Pipestems) may be allowed in the case of accessing back land in accordance with Article 7.3.
- Example A.8.2 PARKING EXAMPLES AND TABLES
- Figure A.8.5.1 – Sample Acceptable Parking Sizes and Layouts
- FIGURE A.8.5 – Sample of a Preferred Parking Structure (Except It Lacks Cutoff Lighting), Note Swales for Stormwater Management and Ped/Bike Friendly Design.
- FIGURE A.8.7 – Stacking spaces – see Section 8.7
- Figure A.9.1 – Sign Types and Locations – Articles 9
- Figure A.9.2 – Preferred and Avoided Signs – See Article 9.
- Example A.9.6.6 and A.9.6.7 – (Sign for a PD zone)
- Example A.9.11 – (Sign example for the C1 zone)
- Figure A.11 – Cluster/Flexible development – see Article 11
- EXAMPLE A.11.6 – (A conventional vs cluster subdivision)

APPENDIX B - INCLUSIONARY ZONING REQUIREMENTS

APPENDIX C - REVIEW PROCESS FLOWCHART

APPENDIX D - SITE PLAN CHECKLIST

APPENDIX E - ADDITIONAL SITE PLAN CONSIDERATIONS

APPENDIX F. PERFORMANCE PARAMETERS

APPENDIX G – REFERENCES

Article 1: Introduction

1.1 Purpose and Spirit of the Bylaw

- This is an unusual statement and isn't really a purpose statement. It seems to be more of a commentary made by a local official. Maybe it should be titled "Background" as Subsection 1.1.1
- "Mission" is more of a "Purpose and Intent" statement and should be identified and numbered accordingly. Each (or none) of the 3 paragraphs should be numbered or in paragraph form.

1.2 Authority

1.3 Title

1.4 Basic Scope and Application

1.5 Communication

- Phrases like "deals with", "discusses", "takes up", etc. is fairly loose language for a zoning bylaw.

Article 2: Definitions

- Definitions should include all use terms includes in 5.2 – Schedule of Use Regulations. A list of other use term to be considered on Table 5.2. - Primary Uses and Table 6.3 – Accessory Use Table are included in the definitions are identified in Articles 5 and 6 below.
- BIG BOX RETAIL - Should be "Gross Floor Area" to be clear. This is a pretty low threshold for Big Boxes. Typically, they are 30K to 45K. For example, the typical CVS or Walgreens is about 30,000 GFA. A general retail store less than 15,000 GFA is not defined in this section.
- BUSINESSES CENTER - What are the characteristics that make these locations "Business Centers"? Is this definition necessary and is it referencing a specific bylaw?
- GAS STATION - It's unclear as to whether a Gas Station can be combined with a Convenience Store.
- See additional comments on specific definitions in the separate Winchendon Zoning Bylaw Audit.

Article 3: Establishment of Zoning Districts

3.1 Division into Districts

- Figures referred to in this section are located in the Zoning Bylaw Appendices which also contain descriptions of each of the zoning districts. The general descriptions of each of the base zoning districts and overlay zoning districts should be located in this section of the Zoning Bylaw. The descriptions in the appendix should be merged with this section.

TABLE 3.1. Zoning District Designations

- There are actually 16 zoning districts total (not 15) – 7 base districts and 9 overlay districts.
- The Zoning Map identifies 5 "Zoning Overlays" – Floodplain, Golf Residential, Gateway Overlay, Historic, and Aquifer. The names and numbers of overlay districts should be consistent between the bylaw and the zoning map.
- Table 3.1 does not include the Groundwater Protection Overlay District or the Golf (Course) Residential Overlay District as identified as the Golf Residential Overlay District on the Zoning Map.

3.2 Location of Districts; Zoning Map

- There are inconsistencies in the base and overlay zoning district names between the zoning bylaw and the zoning map. Some zoning overlay districts are identified on the map but not the bylaw and vice versa. Also, the Insert Zoning Map is not identified on the primary zoning map and does not have a title or legend.
- Sec. 3.2.2 - The appendices indicate that the Example A.3.3 referred to in this section has been removed.

3.3 Lots Split in Separate Districts

- There appear to be a significant number of split lots particularly in the C1 and C2 zoning districts along the major commercial corridors – Rt 12 and R 202. Where the zoning boundaries do not follow the lot lines in these districts the setback in feet from the centerline of the roadway is identified on the zoning map.

3.4 Location of Superimposed District; Map References

3.5 Historic District

- The Historic District should be identified on the zoning map and the Winchendon Centre Historic District general bylaw should be included in the Appendices.

SEE TABLE 3.1 AND ZONING MAP RECOMMENDATIONS BELOW

ZONING DISTRICTS

TABLE 3.1. Zoning District Designations

Designation	Table 3.1 Title	Article 4 Title (Special Zoning Districts)	On Zoning Map
R80	Rural Residential		YES
R40	Rural Suburban Residential		YES
R10	Neighborhood Residential		YES
C1	Highway Commercial		YES
C2	Neighborhood Business		YES
PD	Planned Development	Planned Development District	YES
I	Industrial		YES
IR	Ice Racing District (overlay)	Ice Racing District	NO
MCOD	Mill Conversion Overlay District	Mill Conversion Overlay District (MCOD)	NO
LMOD	Lake Monomac Overlay District	Lake Monomac Overlay District (LMOD)	NO
GAOD	Gateway Overlay District	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy (superimposed)	Wetlands Conservancy District	NO
Rt. 140 COD	Route 140 Corridor Overlay District	Route 140 Corridor Overlay District (Rt. 140 COD)	NO
	NOT ON TABLE	Flood Plain Conservancy Districts	YES
	“AQUIFER” ON INSERT MAP	Groundwater Protection Overlay District	YES
	NOT ON TABLE	Golf Course Overlay District (not on Map/ Bylaw)	YES
	NOT ON TABLE	Winchendon Town Centre Historic District	YES
	NOT ON TABLE	Med./Adult Use Marijuana Retail Overlay District (not on Map/Bylaw)	NO

There are inconsistencies in the name of districts and the names on the Zoning Map, and several districts on Table 3.1 or in the Zoning Bylaw are missing on the Zoning Map

WINCHENDON ZONING BYLAW AUDIT

ZONING MAP

District	Title	On Zoning Map
R80	Rural Residential	YES
R40	Rural Suburban Residential	YES
R10	Neighborhood Residential	YES
C1	Highway Commercial	YES
C2	Neighborhood Business	YES
PD	Planned Development District	YES
I	Industrial	YES
IR	Ice Racing District (overlay)	NO
MCD	Mill Conversion Overlay District	NO
LMD	Lake Monomac Overlay District	NO
GAOD	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy	NO
Rt. 140 COD	Route 140 Corridor Overlay District	NO
	Flood Plain Conservancy Districts	YES
	Groundwater Protection Overlay District	YES
	Golf Course Overlay District	YES
	Winchendon Town Centre Historic District	YES
	Med./Adult Use Marijuana Retail Overlay District	NO

Legend

Roads and Streets

- Sewer Lines
- Water Lines
- Highways
- Maintained, Paved
- Maintained, Gravel
- Not Town Maintained
- Trail Inventory
- Schools

Zoning District

- C1- Large Scale Commercial
- C2- Neighborhood Commercial
- Planned Development
- Industrial
- Pond
- R80- Rural Residential
- R40- Suburban Residential
- R10- Neighborhood Residential

Zoning Overlays

- Floodplain
- Golf Residential
- Gateway Overlay
- Historic
- Aquifer

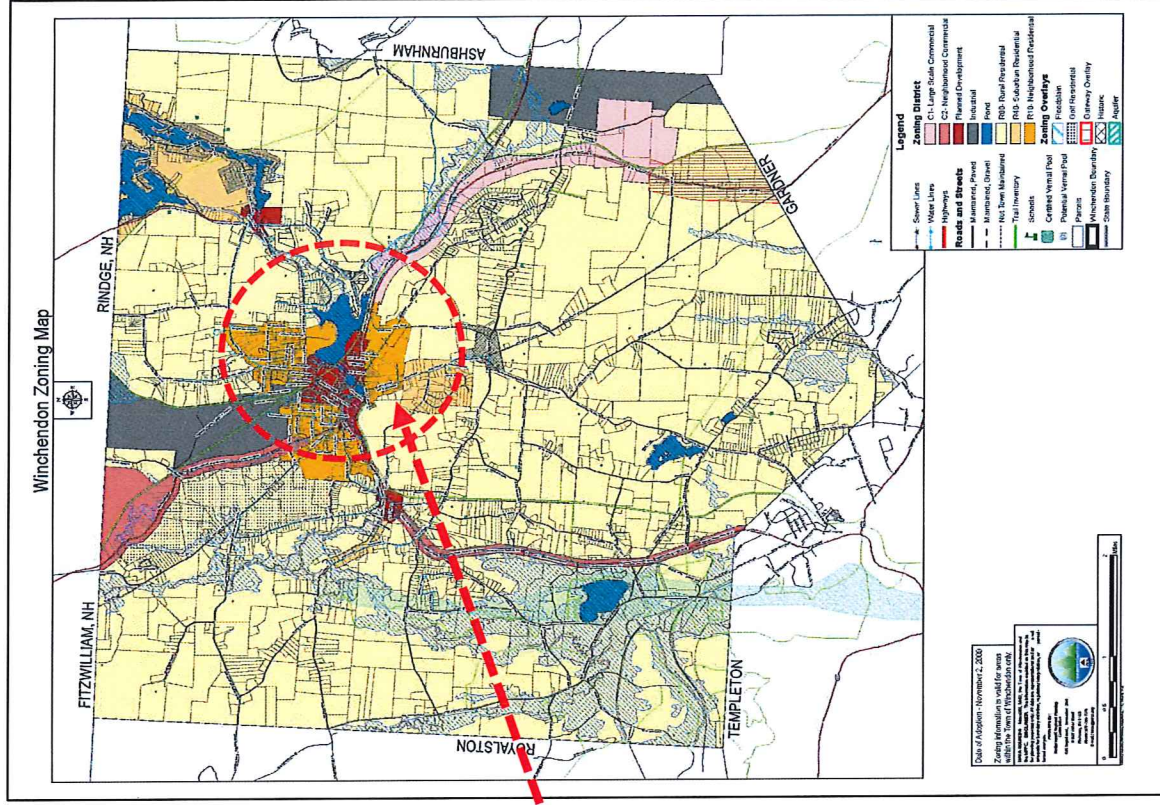
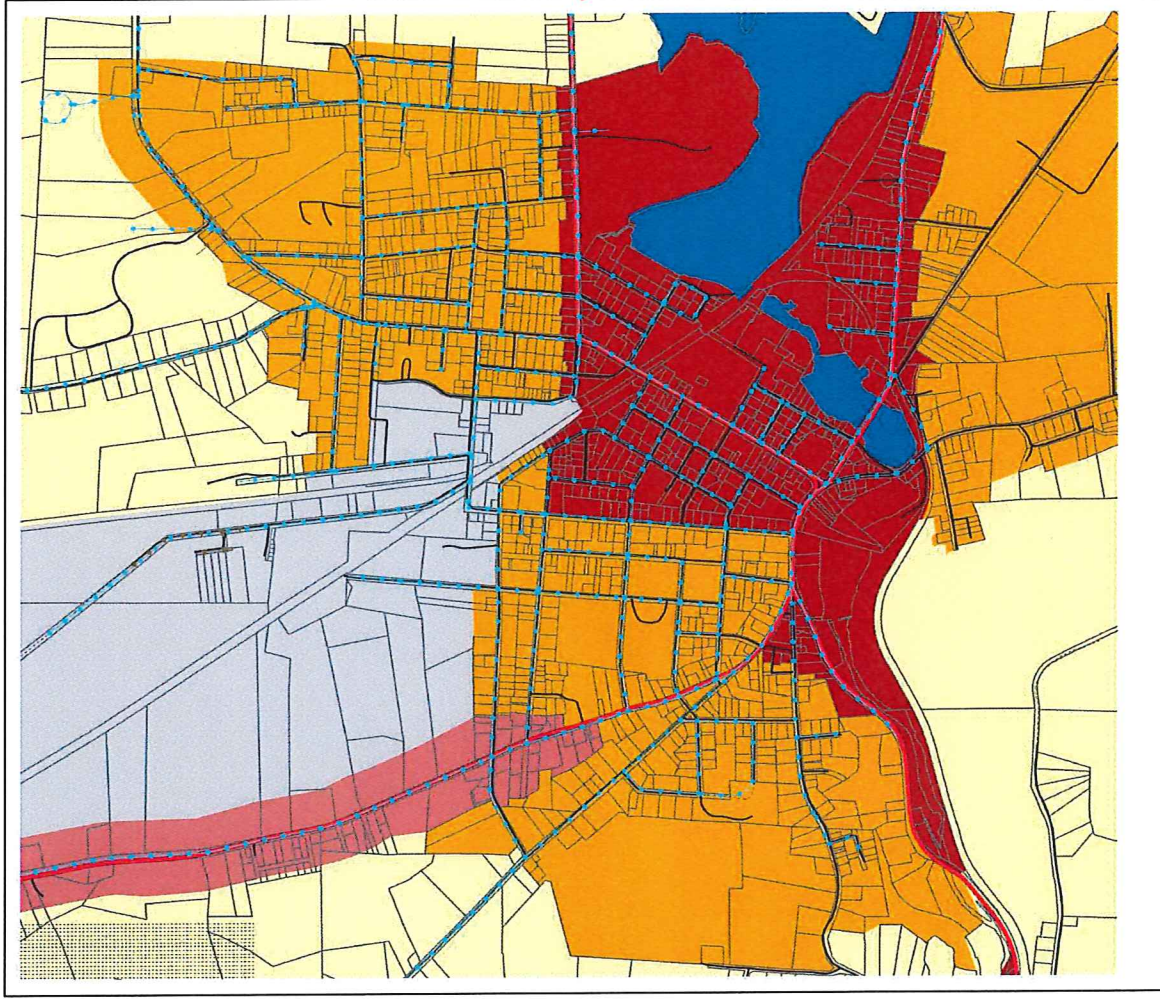
Other Symbols

- Certified Vernal Pool
- Potential Vernal Pool
- Parcels
- Winchendon Boundary
- State Boundary

The legend on the Zoning Map does not match the district titles and acronyms on Table 3.1 in the Zoning Bylaw

WINCHENDON ZONING BYLAW AUDIT

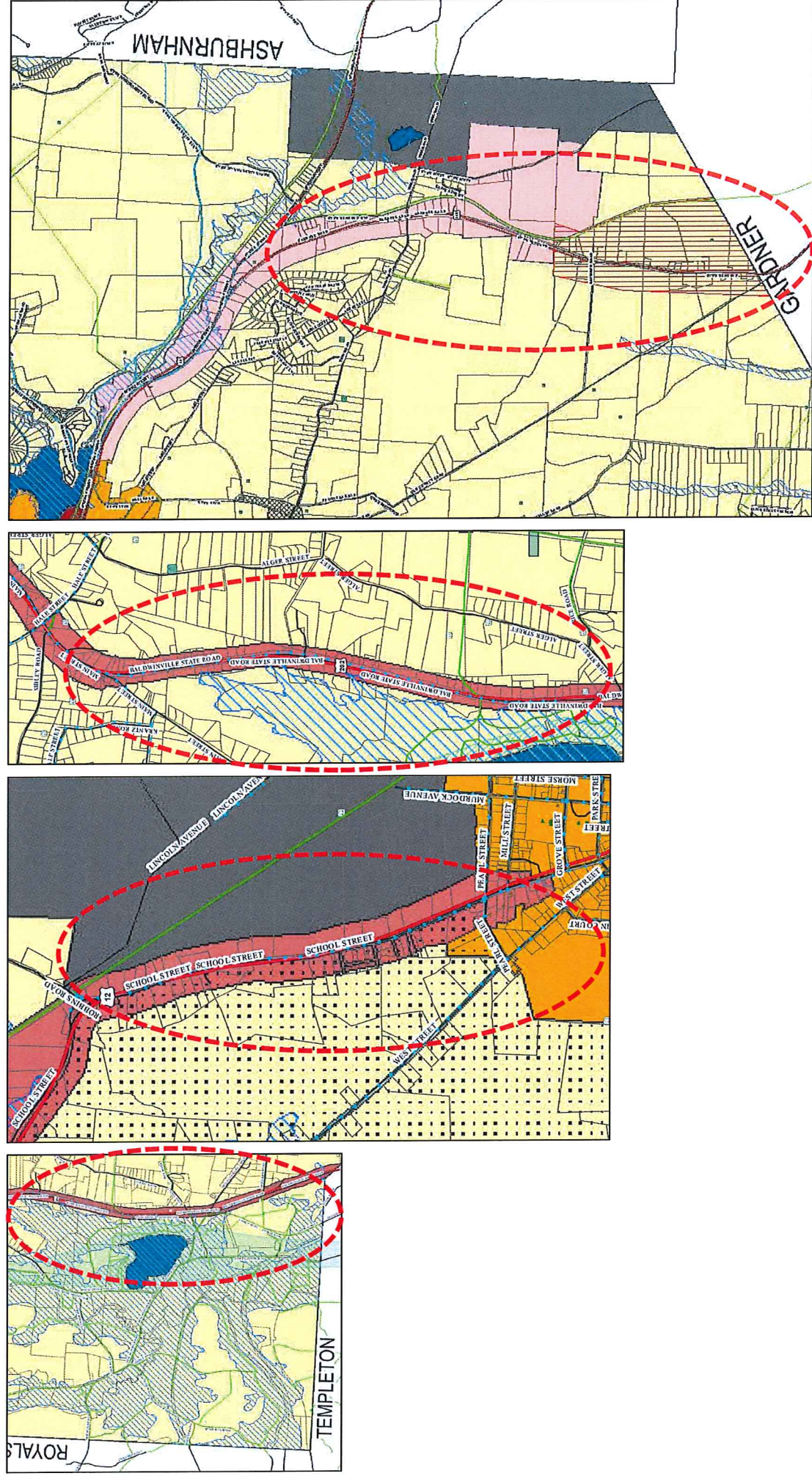
ZONING MAP



The Insert Zoning Map is not identified on the town-wide Zoning Map and has to legend, scale, or street names.

WINCHENDON ZONING BYLAW AUDIT

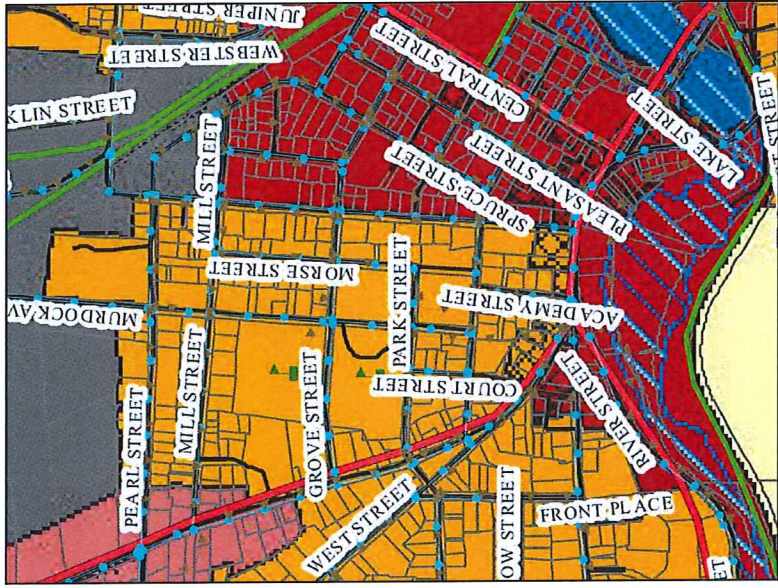
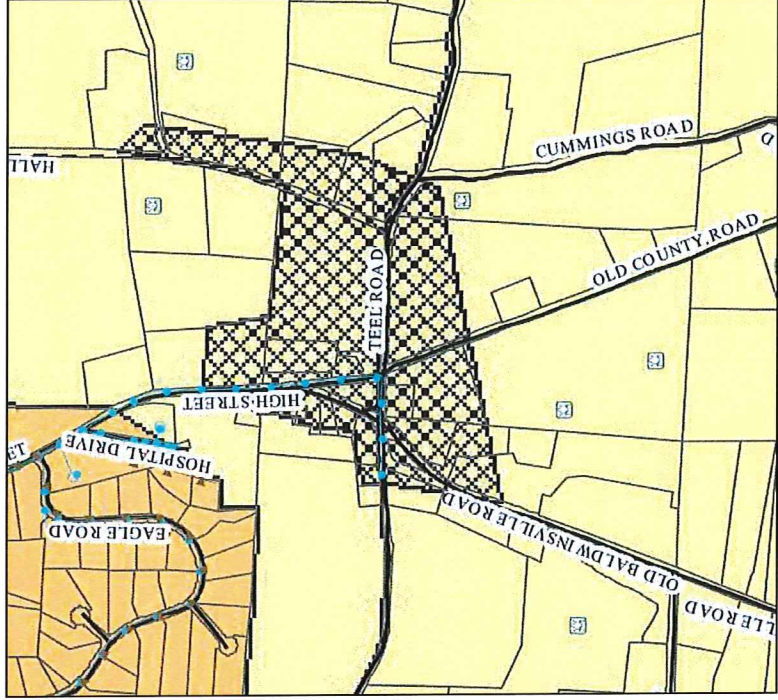
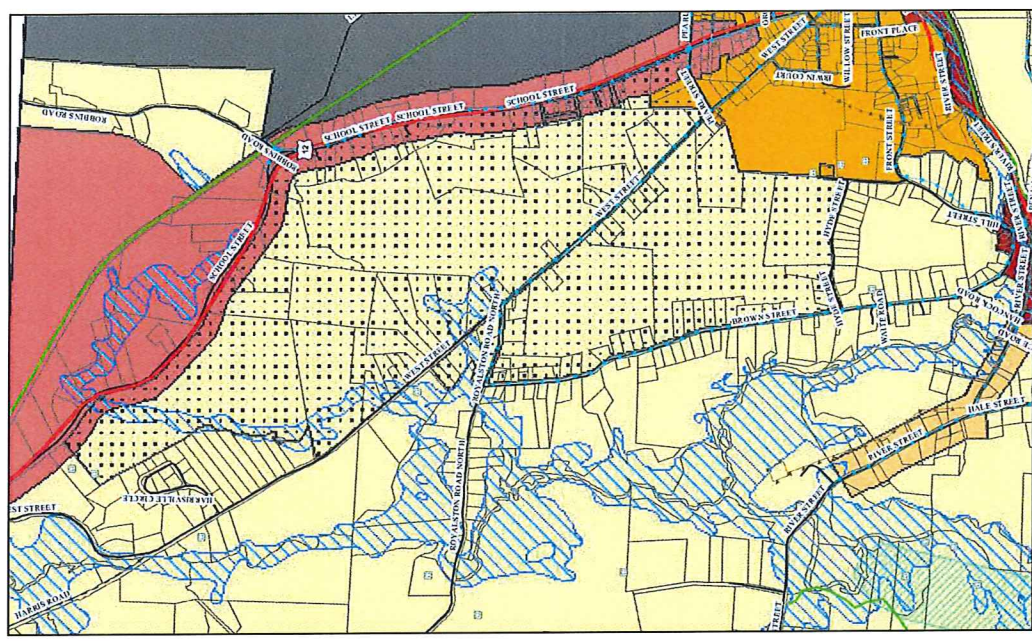
ZONING MAP



❑ Several districts have split parcel lines and there is no measurement of depth from the ROW on the map. Multiple street name labels make it hard to see parcel lines.

WINCHENDON ZONING BYLAW AUDIT

ZONING MAP



Golf Overlay District

Historic District Parcels

Article 4: Special Zoning Districts

4.1 Ice Racing District

4.2 Mill Conversion Overlay District (MCOD)

- Has this bylaw been used for mill rehabilitation/renovation? Commercial, residential, mixed use? Are there any Chapter 40R Smart Growth Overlay Districts (SGOD) in Winchendon? Old mills are common sites for SGODs.
- 4.2.3 - In addition to the identification of the individual parcels located in the 3 mill sites, the Mill Conversion Overlay District (MSOD) should be identified on the Zoning Map.
- 4.2.4 - Why not allow additional infill structures to support the conversion of the older mill buildings which are expensive to renovate. The project may not be economically viable without additional buildings. (Cordage Park in Plymouth is a good example).
- 4.2.5 – Has the Planning Board adopted rules and regulations specific to the MSOD?
- 4.2.8 - The list of permitted uses is pretty limited. The Town may want to consider expanding the mix of uses such as assisted living, medical facilities, light manufacturing/fabrication, etc. A column should be added to 5.2 Use table for MSOD and the specific uses identified.
- 4.2.9.4 - Parking requirements have to be flexible for these projects especially when there is a mix of uses and a difference in the peak demand hours between different uses.

4.3 Wetlands Conservancy District

- This should be identified as an overlay district. Possibly retitle to “Wetlands Conservancy Overlay District”. This overlay district is not identified on the Zoning Map.

4.4 Flood Plain Conservancy Districts

- This district should be identified as an overlay district. Possibly retitle to “Flood Plain Conservancy Overlay District”.
- 4.4.2 - Have the FIRM maps been updated since 1982 and, if so, have any changes been reflected in the overlay district map?

4.5 Groundwater Protection Overlay District

- 4.5.2 – The “Groundwater Protection Map” is identified as the “Aquifer” on the Zoning Map. It should be “Groundwater Protection Overlay District.”

4.6 Lake Monomonac Overlay District (LMOD)

- 4.6.2 - This overlay district is not identified on the Zoning Map and should be.

4.7 Planned Development District

- This appears to be the base zoning district for the town center area.
- 4.7.1 - Have there been any mixed use projects or other significant commercial developments since this bylaw was adopted in 2007?
- 4.7.1.A - The numbering sequence is different in this section than the previous ones. Should be a consistent format such as 1.1.1.1.A.1.

- 4.7.1.A - This is really a purpose and intent statement. In order to facilitate traditional mixed use, pedestrian-oriented centers, and walkable neighborhoods this statement has to be backed up by the permitted use table, dimensional requirements, sufficient density, parking and pedestrian access standards, streetscape standards, purposeful open space requirements, and sign regulations.
- 4.7.2.C - More important than the quantity of the open space is the quality. Also, open space in an urban environment should be complimentary and flexible such as streetscapes, pocket parks, plazas, courtyards, seating terraces, trails, and other purposeful spaces.
- 4.7.2.G - Locating parking behind or to the side of the building is critical to creating a desirable town center and walkable district. Joint access and parking between properties should also be allowed.
- 4.7.2.K – The 4:1 FAR is reasonable for a small/medium town center but may not be achievable under the dimensional standards for the PD district on Table 7.2.
- 4.7.4 - This section seems to allow only Townhouses and not Apartments or Condominiums which could also be on a single lot. Clearer descriptions, diagrams, and example images should be added to the Zoning Bylaw or Appendices.
- 4.7.4.A - Townhouses don't necessarily have to be on separate lots but they are always separated horizontally by a common wall. Condominiums and Apartments can be on a single lot and separated horizontally and vertically by common walls and common entrances.
- 4.7.4.B - Townhouses can be on smaller lots than 3,600 SF. A minimum lot size of 1,800 SF would not be unusual.
- 4.7.4.B - There should be provisions for Residential Units (not townhouses) as most mixed use developments are apartments and condos located above or behind commercial uses. It's unusual for DUs to be on separate lots in a mixed use district.
- 4.7.5 – Sideyard setback waivers should be allowed for all buildings in a traditional town center context, not just mixed use buildings.
- 4.7.5.B - The 1.5 times the Min. Lot Size + 2,000/DU is likely to be a significant deterrent to mixed use in the PD district.

4.8 Gateway Overlay District

- This overlay district covers the southern portion of the Route 140 (Gardner Road) from the townline north to Old Gardner Rd. It overlays the Rural Residential District and is bordered to the east by Liberty Road. The boundary to the west does not follow parcel lines and is an undefined depth from Rt 140.
- There are no “nodes” identified, the district just covers the first mile of Rt 140.
- 4.8.1 - The purpose of sprawl repair, strip development retrofit, and nodes of walkable commercial and residential development are good but have to be backed up by reasonable use, dimensional, and site design standards.
- 4.8.2 – The underlying district is Rural Residential so the commercial use opportunities are pretty limited.
- 4.8.2 – It can be difficult for smaller retail centers to succeed when they are fully screened from the highway. An alternative approach is to allow development close to the street with attractive streetscapes, sidewalks or trails, and well design buildings.

4.9 Route 140 Corridor Overlay District

- What is the difference between this overlay district and the Gateway Overlay District? The Rt. 140 COD is not on the Zoning Map but the GOD is and covers the southern segment of Rt 140 where the

underlying zoning is R80. The rest of the corridor is covered by C1 – Large Scale Commercial which is a base district.

- 4.9.1 - There are good purpose statements such as increase tax base, enhance appearance, shared access, distinctive architecture, etc.
- 4.9.2 - Only “Gateway Overlay” District is on the map which is identified in 4.8 above. Shouldn’t this section just replace the C1 zoning on Rt 140 and Rt 12 as the base district.
- 4.9.4 - These design standards are well thought out and can be effective in reducing sprawl and facilitating higher quality developments.
- 4.9.4.3 - Reduced/Shared curb cuts and internal access is good for controlling sprawl. Shared parking and consistent streetscapes with sidewalks or paths along the frontages are also useful.
- 4.9.4.3 - The Town may want to a limit on footcandles so that external lighting does not spill over to adjacent properties.
- 4.9.4.6 - Shared and reduced parking is an essential tool for reducing strip development. But it is also an effective economic development tool as vacant or underutilized parking areas are lost opportunities for new development, jobs, private investment, and tax revenue. The 20% parking deduction could be higher depending on the mix of uses and the differences in peak hour parking demands.
- 4.9.4.7 - Parking lot design requires the majority of parking spaces to be located to the side or rear of the building which is an effective method of reducing sprawl and getting higher quality developments. I would recommend concrete sidewalks rather than brick pavers for maintenance purposes.
- 4.9.4.9 – Landscape standards should focus on simple open spaces where people can gather such as pocket parks, plazas, seating terraces. These active spaces are the most effective and utilized.
- 4.9.4.10 – The architectural design standards can be supplemented with illustrative diagrams and photos in the appendices.

Article 5: Use Regulations

5.1 Basic Requirements

- Some of the Special Permits appear to be under the Planning Board’s jurisdiction. The table should identify a “SPZ” for those under ZBA jurisdiction and a “SPP” for those under the Planning Board jurisdiction.

5.2 Schedule of Use Regulations

- SEE EVALUATION OF THE USE TABLE IN SEPARATE ANALYSIS.
- There are several uses on the table that are not defined in Article 2 – Definitions. All uses on the table should be defined. Also, there are a lot of uses defined in Article 2 which are not on the Use Table including: Apartment; Animal Feed Lot; Auction; Condominium; Two-Family Dwelling; Efficiency Unit; Gallery; General Manufacturing; Light Manufacturing; Public Utilities; Solid Waste; and Townhouse.
- This schedule should be identified as a table and should be in landscape format so that it is easier to read. It would also be helpful to the public if a column were added referring to specific building or use requirements as applicable under Articles 4, 6, 10, and 11.

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts										Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
	Zoning Districts												
	R-80 Rural Residential	R-40 Suburban Residential	R-10 Neighborhood Residential	C-1 Highway Commercial	C-2 Neighborhood Business	I Industrial	PD Planned Development						
5.2.1 Residential Uses													
A. Single family detached dwelling	Y	Y	Y	N	Y	N	Y	N	Y	N	Y	Article 11	Should consider limiting SF/2F detached fronting on Central Street as the main street of PD and town. Low density residential can often conflict with commercial activity.
B. Two-family detached dwelling	SP	SP	Y	N	Y	N	N	Y	Y	N	Y	Article 11	Duplexes should be allowed in the more rural areas and may be an opportunity for dispersed affordable housing.
C. Conversion of a single family dwelling existing at the adoption of this bylaw to not more than four family use (Note 10)	SP	SP	SP	N	Y	N	N	Y	Y	N	SP	Note 10	Increasing DUs in underutilized comm. and mixed use districts can spur new investment
D. Buildings or lots containing dwellings in combination with retail stores or other permitted business use (Note 1)	N	N	SP	SP	Y	N	Y	Y	Y	N	Y	Note 1, Article 11	This should be "Mixed Use Development" and the description should be in Art. 2 - Definitions.
E. Boarding House	SP	SP	SP	N	SP	N	N	SP	SP	N	SP	Article 11	The definition is 3 or more units but this use here say 4 is the limit? MF should be considered in all comm. and res. districts by right or SP at appropriate densities with design standards.
F. Multi-family dwellings, up to four units per lot	N	N	SP	N	SP	N	N	SP	SP	N	SP	Article 11	Needs to be defined. This is a series of standards for residential development under Article 11 that addresses density and open space requirements that should be consistent with dimensional and density standards in Article 7.
G. Residential Development - detached/attached units (See Article 11) amended 5/23/11	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Article 11	ADUs should be considered in all comm. and res. districts by right or SP at appropriate densities with design standards. ADUs provides dispersed affordable units, diversity of the housing stock, and supplemental income for homeowners.
H. Accessory dwelling unit (Note 11) (SEE 6.3 ACCESSORY USES)	SP	SP	SP	N	SP	N	N	SP	SP	N	Y	Note 11; Sec. 6.3 Accessory Uses	
I. Mobile home park or court, sales of demonstration models allowed (Note 5)	SP	SP	SP	N	N	N	N	N	N	N	N	Sec. 6.7, Note 5 (Should be Note 4 too)	This is for MH Parks but are standalone Mobile Homes Permitted?
J. Home based business (SEE 6.5 HOME BUSINESS)	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Sec. 6.5 - Home Businesses	This is already on the Accessory Use Table and should be removed here.
5.2.2 Commercial Uses													
A. Retail store or larger scale retail services larger than 15,001 sq. ft including sales room or market for sale of merchandise to the public	N	N	N	Y	Y	SP	Y	Y	Y	SP	Y		There's no general definition of Retail Store; This definition is very similar to Big Box Retail below.
B. Small scale retail services that do not exceed 15,000 sq. ft.	SP	SP	SP	Y	Y	SP	Y	Y	Y	SP	Y		

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts										Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY		
	R-80 Rural Residential		R-40 Suburban Residential		R-10 Neighborhood Residential		C-1 Highway Commercial		C-2 Neighborhood Business					I Industrial	PD Planned Development
	SP	N	SP	N	SP	N	SP	N	SP	N					
C. Convenience Store without gas station	SP	N	SP	N	SP	N	SP	N	SP	N	SP	N	Y	It's unclear if Convenience Stores can also have gas	
D. Restaurant, tavern, café or similar establishment for serving food and/or beverages	N	N	SP	N	SP	N	SP	N	Y	N	SP	N	Partial	Restaurant is defined but not Bar, Tavern, Café; Could restaurants be allowed by SP in rural residential and Ind. districts if compatible with surrounding area	
E. Restaurant - take out, fast food, drive through, walk-up window	N	N	SP	N	SP	N	SP	N	SP	N	SP	N	Y	Performance standards for drive thru facilities in PD should protect the ped. Environment	
F. Theater, movie theater, bowling alley or other indoor amusement or entertainment use	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Partial	Should be "Indoor Amusement" and cover theater, movies, bowling in the definition	
G. Commercial parking lot or parking garage	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Y	May consider performance standards for location size, access, pedestrian facilities, landscaping, etc.	
H. Kennel structure, commercial or veterinary/hospital	SP	N	SP	N	SP	N	SP	N	SP	N	SP	N	Y	Consider performance standards for noise and odor	
I. Hotel, motel or similar lodging	N	N	SP	N	SP	N	SP	N	SP	N	SP	N	Y		
J. Bed & breakfast or similar lodging	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	Definition refers to Country Inn in Article 2 yet there is a difference in which zones they are permitted in	
K. Country Inn	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	Needs to be better defined with size thresholds similar to B&B without host requirement.	
L. Bank or financial institution	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N	Drive Thrus should maintain ped. Environment	
M. Real estate, insurance or professional office	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N		
N. Professional medical office or clinic	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N	Professional Office Building in Art. 2	
O. Office Building	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Y	Should be considered in IND districts	
P. Self-service storage facility	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N	Should be well screened when adjacent to residential areas	
Q. Big-box retail establishment	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Y		
R. Sales and/or service establishment for motor vehicles, Class 1, 1D) recreational vehicles to include off road and marine, including storage of motor vehicles and recreational vehicles.(all types)(Note 12)	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Y	Doesn't appear that the PD would be an appropriate location for a large footprint motor vehicle dealership when there are other highway oriented comm. districts	
S. Mobile home sales	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N		
T. Gas station and/or motor vehicle repair	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Y	Should be performance standards for locating gas stations in PD. Cumberland Farms is a good example with the pumps to the side and the building on the sidewalk.	
U. Auto body shop and painting	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N		
V. Mixed-use (retail or office with residential above) (Note 8)	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	N	This should be "Mixed Use Building" and definition added to Art. 2	
W. Adult uses	N	N	SP	N	SP	N	SP	N	Y	SP	SP	N	Partial	Referred to as Adult Establishment in Definitions	

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts										Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY				
	R-80 Rural Residential		R-40 Suburban Residential		R-10 Neighborhood Residential		C-1 Highway Commercial		C-2 Neighborhood Business					I Industrial		PD Planned Development	
X. Retail sales & service facility for boats and marine equipment	N	N	N	N	N	N	Y	Y	SP	SP	SP	SP	N	N	A large footprint use that may not be appropriate in a walkable district like PD		
Y. Undertaking or funeral establishment	N	N	N	SP	N	N	N	N	Y	Y	N	N	N	N	These uses often prefer older homes such as in the PD but parking can be a challenge to manage.		
Z. Retail sales and service of farm equipment	SP	N	N	N	N	N	Y	Y	SP	SP	SP	SP	N	N	A large footprint use that may not be appropriate in a walkable district like PD		
AA Mall or enclosed shopping plaza	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N	This use doesn't seem feasible without direct access to major highways		
BB Carwash	N	N	N	N	N	N	Y	Y	SP	SP	N	SP	N	N	Would be appropriate in the IND districts		
CC Small engine repair for lawnmowers, motorcycles, etc. to be enclosed in a barn or garage and not to include automobiles or auto body repair	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	N	N	A large footprint use that may not be appropriate in a walkable district like PD		
DD Land transportation passenger terminal facility	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	Y	Y	Also identified as an "Auction" which is confusing.		
EE Sales of Motor Vehicles as an accessory use to motor vehicle repair shop or auto body shop.	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N	A large footprint use that may not be appropriate in a walkable district like PD		
FF Gallery	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	Y	Y			
5.2.3 Industrial Uses																	
A. Warehouse or other building for storage, assembly or marketing wholesale products or equipment	N	N	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	A large footprint use that may not be appropriate in a walkable district like PD; Maybe in C-2 by SP		
B. Enclosed heavy manufacturing, processing, fabrication, packaging, assembly and storage	N	N	N	N	N	N	N	N	N	N	Y	Y	SP	SP	Defined as Light Manufacturing in Art. 2; Fabrication is defined in Art. 2		
C. Printing or publishing plant	N	N	N	N	N	N	SP	SP	SP	SP	Y	Y	SP	SP	A large footprint use that may not be appropriate in a walkable district like PD		
D. Research, experimental or testing laboratory	N	N	N	N	N	N	Y	Y	SP	SP	Y	Y	SP	SP	A large footprint use that may not be appropriate in a walkable district like PD		
E. Building materials or contractor's yard, including exterior storage of materials, products or equipment but with all such material to be screened by a fence or appropriate landscaping	N	N	N	N	N	N	Y	Y	N	N	Y	Y	N	Y			
F. Open air salvage yard, junk yard (Class III) (Note 6)	N	N	N	N	N	N	N	N	N	N	SP	N	Y	Y	Note 6		
G. Above ground storage of heating fuel	N	N	N	N	N	N	SP	SP	N	N	SP	N	N	N			
H. Enclosed light manufacturing, processing, fabrication, packaging, assembly and storage, marketing	N	N	N	N	N	N	Y	Y	SP	SP	Y	Y	SP	SP	Defined as Heavy Manufacturing in Art. 2; Fabrication is defined in Art. 2		
I. Expansion, conversion or rehabilitation of existing light industrial uses	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	Consider SP and performance standards related to size and type in the industry		
J. Hydropower generation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N			
K. Wind power generation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	Section 6.10		
L. Solar Energy Collection System (see Section 6.11 for limitations)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Section 6.11		
M. Mobile Car Crushing conducted commercially (Note 13)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N	N	Note 13		
5.2.4 Agricultural and Forestry Uses																	
A. Commercial Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
B. Orchard, market garden or other commercial agricultural use:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts										Definition (A.2)?	Performance Sids (A.5 and A.6)?	COMMENTARY	
	Zoning Districts													
	R-80 Rural Residential	R-40 Suburban Residential	R-10 Neighborhood Residential	C-1 Highway Commercial	C-2 Neighborhood Business	I Industrial	PD Planned Development							
C. Commercial nursery, greenhouse or sales of produce (5 acres or less) (More than 5 acres)	Y	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y	Y	Why SP in IND for smaller farms but not larger ones?
D. Commercial poultry or livestock farm including riding stable or commercial stable (Note 2) (5 acres or less) (More than 5 acres)	SP	SP	N	SP	SP	SP	Y	Y	Y	Y	SP	Y	Note 2	
E. Accessory poultry or livestock for noncommercial use, private stable, or kennel structure, non-profit (Note 2 and 3) (SEE 6.3 ACCESSORY USES) (Under 5 acres) (5 acres and above)	Y	Y	SP	SP	SP	SP	Y	Y	Y	Y	SP	Y	Note 2, Note 3, Sec. 6.3 - Accessory Uses	If it's an "accessory use" than it should be located in the Accessory Use table
F. Accessory non-commercial agriculture excluding poultry and livestock (SEE 6.3 ACCESSORY USES)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Sec. 6.3 - Accessory Uses	If it's an "accessory use" than it should be located in the Accessory Use table
G. Commercial earth removal	N	N	N	N	N	N	N	N	N	N	N	N	Article 10	Why would larger farms be allowed by right and smaller by SP? See above
5.2.5 Conservation and Recreation														
A. Conservation and wildlife preserve	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
B. Private club, lodge or cultural civic or other non-profit social or recreation use	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		
C. Recreational activity conducted commercially, i.e. campground, ski area or golf course	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		Does appear feasible in the PD district
D. Go-cart / off road motorcycle racetrack (Note 9)	N	N	N	N	N	N	N	N	N	N	N	N	Note 9	
E. Ice Racing (Note 7)													4.1	Should identify the underlying base zoning district
F. Miniature golf, batting cage or driving range	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	
G. Public recreational boating or swimming area.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	
H. Commercial recreational boating or swimming area.	N	N	N	N	N	N	N	N	N	N	N	N	N	
5.2.6 Institutional Uses														
A. Church or place of worship including parish house or rectory	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
B. Religious, sectarian or denominational, private or public school building or related use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
C. School, hospital, medical institution or government building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Should hospitals and medical institutions be considered separately with performance standards where they may impact surrounding neighborhoods?
D. Cemetery	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	
E. Day nursery or other similar agency for day care of children or adults	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	May consider SP related the size and type in certain facilities
F. Nursing, rest or convalescent home, assisted living facility	SP	SP	SP	N	SP	N	SP	N	SP	N	SP	SP	Partial	Only definition of Assisted Living Facility
G. Museum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	Why SP in PD? Seems like a typical civic use in a town center.

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts							Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
	R-80 Rural Residential	R-40 Suburban Residential	R-10 Neighborhood Residential	C-1 Highway Commercial	C-2 Neighborhood Business	I Industrial	PD Planned Development			
	5.2.7 Governmental and Public Service Uses									
A. Administration building, police or fire station or other government-related use	SP	SP	SP	Y	Y	SP	Y	N	Why not by right in IND where there is more underutilized land	
B. Uses related to water supply or sewerage treatment	SP	SP	SP	SP	SP	SP	SP	N		
C. Wireless Communications Facility (WCF) (See Section 6.6)								Y	Sec. 6.8	
Minor WCFs (June 12, 2000)	Y	Y	Y	Y	Y	Y	Y	Y		
* only allowed if located on a water tank, or as a co-location on an existing (Building Permit Required)										
Interior WCFs	Y	Y	Y	Y	Y	Y	Y	Y	Building Permit Required	
(Building Permit Required)										
Major WCFs	SP	SP	SP	SP	SP	SP	SP	Y	Building Permit Required	
D. Public Utility Installations	SP	SP	SP	SP	SP	SP	SP	N	Need to define this use. Certain utilities could have a negative impact on town center of certain neighborhoods	
5.2.8 Special Use Categories										
A. Non-retail Marijuana Facilities. Non-retail Marijuana Facilities are subject to the provisions set forth in Art. 6.12. * see note 14	SP*	N	N	SP	SP	SP	SP	N	Art. 6.12., Note 14	

EXAMPLE OF RECENTLY ADOPTED PRINCIPAL USE TABLE PROVIDED BY BCPD BELOW

A. Residential	E. Commercial - Retail Uses	J. Industrial
<i>Household Living (As Listed Below)</i>	Retail Stores and Services (not elsewhere set forth)	<i>Prohibited Industrial Uses (As Listed Below)</i>
Single-Family - Detached Dwelling	Weaponry Store	Earth Removal
Townhouse/Rowhouse	Packaged Liquor Store	Junkyard or Automobile Graveyard
Two-Family - Attached Dwelling	Pet Store	Tire Recycling & Re-treading
Multi-Family - Attached Dwelling (≥3)	Convenience Store	Low-level Radioactive or Nuclear Waste Facility
Mixed Use - Attached Dwelling	Grocery Store	<i>General Industrial Uses (As Listed Below)</i>
<i>Group Living (As Listed Below)</i>	Big Box Retail Store	Manufacturing
Community or Group Residence	Building/Home Supplies & Equipment	Light Manufacturing
Nursing Home/Assisted Living/ Independent Living Facility	Drug Paraphernalia Store	Research, Development or Testing Laboratories and Facilities
Dormitory, Fraternity or Sorority	Adult Entertainment Retail Establishment	Biotechnology Facilities
Homeless Shelter and Service Center		Heavy Materials Sales and Distribution Facility
Single Room Occupancy Housing (SRO)		Warehouse, Wholesale Trade & Distribution
Boarding House		Self Storage Facility
Trailer Camp or Park		Transportation Terminal
B. Lodging	F. Commercial - Eating & Drinking	Heavy Materials Sales and Distribution
Bed & Breakfast or Inn	Restaurant	Material Salvage and Recycling Facility
	Bar or Tavern	
	Restaurant, Fast-Food or Take Out	
	Brew Pub	
	Brewery, Distillery, Cider, Winery	
	Micro Brewery, Distillery, Cider, Winery with Tasting Room	

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts							Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
	R-80	R-40	R-10	C-1	C-2	I	PD			
	Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
Hotel or Motel Hotel or Motel, Large Extended Stay Hotel or Motel Hostel										
C. Commercial – General Services Educational Facilities & Use (Nonexempt) Property Maintenance & Repair Service Maintenance & Repair of Consumer Goods Personal Services Personal Dry Cleaning & Laundry Services* Body-Art Establishment Business Support Services Broadcast and/or Recording Studio Moving Services Funeral Home Wireless Communications Facilities										
C. Commercial - Art & Creative Enterprise Artisan Production & Creative Studio Shared Creative Workspace and Arts Education Work/Live Creative Studio										
H. Commercial - Auto-Oriented Motor Vehicle Sales and Service Motor Vehicle Rental Motor Vehicle General Repairs and Maintenance Motor Vehicle Body Painting and Body Repair Motor Vehicle Light Service Station Motor Vehicle Light Service Station and Convenience Store Dispatch Service Commercial Surface Parking Facility*										
I. Civic, Recreational & Institutional <i>Recreational Uses (As Listed Below)</i> Indoor Commercial Recreation Outdoor Commercial Recreation Marine Recreational Facility										
I. Civic, Recreational & Institutional <i>Civic Uses (As Listed Below)</i> Cemetery Club or Lodge (Nonprofit) Community Center Museum Flat Floor Event Space* Theatres and Auditoriums Conference and Convention Center Arena* Sports Complex										
I. Civic, Recreational & Institutional <i>Institutional Uses (As Listed Below)</i> Religious Assembly/Establishment (EXEMPT) Educational Facility (EXEMPT) Municipal Facilities Public Utilities Services Public Utility Facility Hospital										
D. Commercial – Office Business or Professional Office Medical Offices, Center, or Clinic Bank and Financial Services Data Center Co-Working Space										
D. Commercial – Office <i>Day Care Services (As Listed Below)</i> Adult Day Care Center Child Day Care Center Family Day Care Large Family Day Care										
K. Agriculture Agricultural Use (Exempt) Agricultural Use (Nonexempt)										
Marijuana Related Uses (As Listed Below) Marijuana Retailer Marijuana Cultivator Marijuana Product Manufacturer Marijuana Research Facility Medical Marijuana Treatment Center Independent Testing Laboratory										
Marijuana Related Uses (As Listed Below) Biomass Recycling Facility* Contractor's Yard Batch Asphalt & Concrete Plants Commercial Dry Cleaning & Laundry Services										
Marijuana Related Uses (As Listed Below) Maritime Trade* Water Freight Terminal Waterfront Storage and Distribution Facility Seafood Handling and Processing Seafood Packaging and Distribution										

NOTES (Amended Nov. 8, 2007)

- Note 1: In newer mixed use bylaws, residential use is being permitted on the ground floor when its setback a certain distance which allows commercial uses to take advantage of the frontage visibility. In this case “Frontage Zones” are created to preserve commercial opportunity up front where visibility is highest while allowing more flexibility for mixed use including residential on the ground floor deeper into the lot.
- Note 4: There doesn’t appear that any uses referenced in Note 4 but I think it’s supposed to be for 5.2.1.I - Mobile Homes.
- Note 5: Unusual word selection. How about “disaster” rather than “holocaust”
- Note 6. Refers to open air salvage yard, junk yard (Class III)
- Note 9: This refers to Go-Carts and Motorcycle Racetracks. Should be relocated to Section 6 as performance standards for these uses.
- Note 10: For conversions of SF to MF =< 4 DUs. Should probably be relocated to Section 6 as a performance standard.
- Note 11: This is a good provision as it makes it easier to permit ADUs.
- Note 12: Refers to Motor vehicle sales.
- Note: Applicable to “Mobile Car Crushing”?
- Note 14: Refers to Non-Retail Marijuana Facilities.

Article 6: Non-Conforming and Special Buildings and Uses**6.1 Applicability**

- Should retitle for clarity to – NON-COMFORMING, ACCESSORY, AND SPECIAL BUILDINGS AND USES.

6.2 Non-Conforming Uses

- 6.2.3 - Refers expansion of pre-existing non-conforming buildings in the Planned Development District which has an expanded maximum impervious surface coverage ranging from 25% - 70% which supports traditional village center development. This provision should be added Table 6.3 – Dimensional Standards.

6.3 Accessory Uses and Dwellings**TABLE 6.3 - SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)**

- This table should be reformatted for clarity.
- Additional accessory uses for consideration are listed at the bottom on the table.

SEE COMMENTARY AND RECOMMENDATIONS BELOW

TABLE 6.3 - SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)

Principal Use Categories - Accessory Uses	Zoning Districts										Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY		
	R-80 Rural Residential		R-40 Suburban Residential		R-10 Neighborhood Residential		C-1 Highway Commercial		C-2 Neighborhood Business					I Industrial	PD Planned Development
	SP	Y	SP	Y	SP	Y	SP	Y	SP	Y					
A. Accessory dwelling unit 6.3.1 through 6.3.4	SP	Y	SP	Y	SP	Y	SP	Y	SP	Y	N	SP	Y	6.3.1 through 6.3.4	
B. Accessory poultry or livestock for noncommercial use, private stable or kennel structure, non-profit. (Under 5 acres) (5 acres and above)	Y	Y	SP	Y	SP	Y	SP	Y	SP	Y		SP			On the Use Table, See Section 5.2.4. Accessory agri. Should have performance standards to ensure compatibility with surrounding residential
C. Accessory non-commercial agriculture excluding poultry and livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Why would larger farms be allowed by right and smaller by SP? See note above
D. Home based business	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y		See note above
E. Wireless Communications Facility (WCF) (See Section 6.8) Minor WCFs * only allowed if located on a water tank, or as a co-location on an existing wireless facility (Building Permit Required) Interior WCFs (Building Permit Required) Major WCFs		Y		Y		Y		Y		Y					
F. Parking of Heavy Vehicle under 26,000 GVW. (See section 6.4)															
G. Parking of Heavy Vehicle over 26,000 GVW. (See section 6.4)	SP		SP		SP		SP		SP			SP			Building Permit Required Building Permit Required
H. Non-Commercial passenger vehicles	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
I. Kennel Structure, Hobby	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
J. Dwelling accessory to Commercial or Industrial Use. (6.3.A)	N	N	N	N	N	N	N	N	N	N	N	N	N		Section 6.3.A
K. Solar Energy Collection System to produce energy to be consumed entirely on the premises (See Section 6.11)	Y		Y		Y		Y		Y		Y	Y	Y		Section 6.11

EXAMPLE OF RECENTLY ADOPTED ACCESSORY USE TABLE PROVIDED BY BCPD BELOW

A. ACCESSORY RESIDENTIAL

Accessory Dwelling Unit

B. HOME OCCUPATIONS

Home Office
Home-Based Business
Hobby Kennel

C. ACCESSORY LODGING

Short Term Rental of a Dwelling Unit
Tourist Home

D. ACCESSORY COMMERCIAL

Off-Site Accessory Parking Facility
Car Share Parking Facility
Moving Vehicle Share Parking Facility
Drive Thru Facility
Food Hall or Public Market
Farmers Market, Vendors Court, and Mobile Food Markets
Motorized Single-User Shared-Transport Station (Bike/Scooter/Moped)
Parklet
Outdoor Merchandise Display
Outdoor Café Seating
Temporary Mobile Storage Unit

E. ACCESSORY AGRICULTURE

Apiculture
Aviculture
Farm Stand (EXEMPT)
Farm Stand (NONEXEMPT)
Community Garden Plots

- 6.3.1 - This should be titled Accessory Uses and Structures
- 6.3.2 - This purposes statement is specific to ADUs, not all accessory uses and structures. This should be titled Accessory Dwelling Units
- 6.3.4.A - It appears that this section is combining general accessory uses and structures with accessory dwelling units (ADUs) which in confusing and should be in a separate section such as Art. 11 – Residential Development.
- 6.3.4.E - There should be more robust ADU standards regarding the number, placement, type, and design. Are ADUs allowed in separate buildings such as a carriage house/garage, or as stand alone cottages? Newer ADU bylaws are allowing for a third unit depending on the size of the lot and other dimensional characteristics that insures no impact on surrounding neighborhood.
- 6.3.5.G. - 750 SF in living space is fairly limited. Modern cottages are typically 1,200-1,800 GFA with 2/3 bedrooms
- 6.3.6 - Shouldn't home businesses also be allowed in secondary buildings such as a studio?

6.4 Parking of Heavy Vehicles

6.5 Home Based Business

- 6.5.2. This section should refer to Accessory Use Table rather than identify the zoning districts in the text in case the table is amended.
- 6.5.3.C. Home based businesses should also be allowed in accessory structures as long as it meets the dimensional standards and other conditions in this section. Accessory buildings could also be limited in SF with larger HBBs requiring a special permit.
- 6.5.5 – Regarding signage, the correct reference is 9.9.C.

6.6 Swimming Pools

- Isn't fencing required to enclose the pool?

6.7 Mobile Home Parks and Courts

- Are individual mobile homes allowed if they meet the dimensional requirements of the underlying zoning district?
- 6.7.1 - What's the difference between a Mobile Home Park and a Mobile Home Court?
- 6.7.1.A - What is the purpose of requiring a 15 acre minimum lot size and 10,000 SF per unit? It seems excessive.

6.8 Wireless Communications Facilities

- The numbering hierarchy is different than other sections.

6.9 Adult Entertainment

- The formatting and numbering hierarchy is different than other sections.
- Figures - Should consider renumbering Figure A and B to 6.10.A and 6.10.B so that they are not confused with the figures contained in the Appendices. Also, the names of the figures are the same and should be differentiated.

6.10 Wind Energy Conversion Systems (WECS)

6.11 Solar Energy Collection Systems

6.12 Medical/Adult Use Marijuana Facilities and the Medical/Adult Use Marijuana Retail Overlay

District

- This is a model bylaw. May want to review and consider revisions as there has been a fair amount of case law since 2018.
- This overlay district is not shown on the zoning map. This is not an accessory use or non-conforming and should be relocations to Article 5 – Special Zoning Districts.