

WINCHENDON ZONING BYLAW AUDIT

Preliminary Recommendations

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General Recommendations

- Reformat the entire bylaw for consistency in numbering hierarchy and structure.
- Add all tables, exhibits, examples, diagrams, and figures to the Table of Contents.
- Add the Zoning Bylaw Appendices to the Table of Contents and include at the end of the bylaw so that users can easily find the related information. (See recommendation below to revise and integrate the Zoning Bylaw Appendices).
- Eliminate the Zoning Bylaw Appendices and integrate diagrams and examples directly into the Zoning Bylaw, Planning Board Rules and Regulations, and Subdivision Regulations as appropriate.
- Add new Appendices to the Planning Board Rules and Regulations such as the Old Towne Center Map and Standards, LID standards, etc.

Article 1: Introduction

- The Purpose and Spirit of the Bylaw is an unusual paragraph and isn't really a purpose statement. It should be rewritten.

Article 2: Definitions

- Definitions should include all use terms on Table 5.2 – Schedule of Use Regulations.
- Some other definition should be revised such as Big Box Retail, Business Center, and Gas Station. (See additional comments on specific definitions in the separate Winchendon Zoning Bylaw Audit).

Article 3: Establishment of 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.
- Update the Zoning Map to include and be consistent with all of the base zoning districts and overlay districts provided for in the Bylaw.
- The Historic District is referred in Section 3.5 and on the map. If there are specific zoning regulations for properties identified on the Zoning Map include them in the Bylaw (The Winchendon Centre Historic District and other properties in the PD district are shown on the Zoning Map but there are no regulations in the Bylaw).

Article 4: Special Zoning Districts

- **Mill Conversion Overlay District (MCO):** Review this bylaw to expand the types of uses (i.e. commercial, light industrial/fabrication, residential, and mixed use, allow infill development, provide more flexibility in dimensional standards parking requirements, and ensure usable open spaces. (Cordage Park in Plymouth is a good example of flexible mill renovation, mixed use, and infill development).
- **Planned Development District (PB):** This is identified as a “Special District” but it is the base zoning district for the town center area. Therefore, it should allow a broad range of uses in a traditional New England village pattern of development with pedestrian oriented streetscapes and purposeful active/passive open spaces.
 - Revised dimensional and density standards to reflect traditional walkable, mixed use, higher intensity development patterns. For example, 4.7.2.K – the 4:1 Floor Area Ratio (FAR) is reasonable for a small/medium town center but is not achievable with the dimensional standards for the PD district on Table 7.2.
 - Facilitate more mixed use projects with more flexible use combinations, particularly residential.
 - Provide updated parking and pedestrian access standards, streetscape standards, purposeful open space requirements, and sign regulations. For example, appropriate open spaces in an urban environment should be complimentary and flexible such as tree belts, curb extensions, pocket parks, plazas, courtyards, seating terraces, trails, parklets, pedestrian alleys, rooftop terraces, and other purposeful spaces.
 - Expand the forms of residential and mixed use buildings and developments such as Townhouses/Rowhouses, Larger Multifamily and Mixed Use buildings (apartments, condominiums, cooperatives), Cottage Courts, Live/Work Units, Micro Units, Penthouses, etc. Clearer descriptions, diagrams, and example images should be added to the Zoning Bylaw.
- **Clarify and revised the Gateway Overlay District and Route 140 Corridor Overlay District.** There appears to be overlay between these 2 districts and possibly revise the consolidate the C1, GOD and COD districts into 1 districts for the Route 140 Corridor that emphasizes infill development, sprawl repair, mixed use at designated nodes, streetscape enhancements, flexible dimensional and parking standards, and building design.

Article 5: Use Regulations

- Revise the table format to landscape so that it’s easier to read.
- Uses on the table should be coordinated with definitions and performance standards from Article 6).
- Expand the uses to reflect current terminology and new uses that have emerged over the past 15 years. For example, the following list was provided for consideration:

EXAMPLE OF RECENTLY ADOPTED PRINCIPAL USE TABLE

A. Residential

Household Living (As Listed Below)

Single-Family - Detached Dwelling
Townhouse/Rowhouse
Two-Family - Attached Dwelling
Multi-Family - Attached Dwelling (≥3)
Mixed Use - Attached Dwelling

Group Living (As Listed Below)

Community or Group Residence
Nursing Home/Assisted Living/Independent Living Facility
Dormitory, Fraternity or Sorority
Homeless Shelter and Service Center
Single Room Occupancy Housing (SRO)
Boarding House
Trailer Camp or Park

B. Lodging

Bed & Breakfast or Inn
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

Animal Services (As Listed Below)

Animal Clinic or Hospital
Pet Grooming
Pet Training and Care
Commercial Kennel
Veterinarian

Day Care Service (As Listed Below)

Adult Day Care Center
Child Day Care Center
Family Day Care
Large Family Day Care

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
Commercial Structured Parking Facility*

I. Civic, Recreational & Institutional

Recreational Uses (As Listed Below)

Indoor Commercial Recreation
Outdoor Commercial Recreation
Marine Recreational Facility

Civic Uses (As Listed Below)

Cemetery
Club or Lodge (Nonprofit)
Community Center
Museum
Flat Floor Event Space*
Theatres and Auditoriums
Conference and Convention Center
Arena*
Sports Complex

Institutional Uses (As Listed Below)

Religious Assembly/Establishment (EXEMPT)
Educational Facility (EXEMPT)
Municipal Facilities
Public Utilities Services
Public Utility Facility
Hospital

J. Industrial

Prohibited Industrial Uses (As Listed Below)

Earth Removal
Junkyard or Automobile Graveyard
Tire Recycling & Re-treading
Low-level Radioactive or Nuclear Waste Facility

General Industrial Uses (As Listed Below)

Manufacturing
Light Manufacturing
Research, Development or Testing Laboratories & Facilities
Biotechnology Facilities
Heavy Materials Sales and Distribution Facility

D. Commercial – Office

Business or Professional Office
 Medical Offices, Center, or Clinic
 Bank and Financial Services
 Data Center
 Co-Working Space

Warehouse, Wholesale Trade & Distribution
 Self Storage Facility
 Transportation Terminal
 Heavy Materials Sales and Distribution
 Material Salvage and Recycling Facility
 Recycling Collection Facility*
 Biomass Recycling Facility*

E. Commercial - Retail Uses

Retail Stores and Services (not elsewhere set forth)
 Weaponry Store
 Packaged Liquor Store
 Pet Store
 Convenience Store
 Grocery Store
 Big Box Retail Store
 Building/Home Supplies & Equipment
 Drug Paraphernalia Store
 Adult Entertainment Retail Establishment

Contractor's Yard
 Batch Asphalt & Concrete Plants
 Commercial Dry Cleaning & Laundry Services

Marine Dependent Industrial Uses (As Listed Below)

Maritime Trade*
 Water Freight Terminal
 Waterfront Storage and Distribution Facility
 Seafood Handling and Processing
 Seafood Packaging and Distribution

*Marijuana Related Uses (As Listed Below)***F. Commercial - Eating & Drinking**

Restaurant
 Restaurant, Fast-Food or Take Out
 Bar or Tavern
 Brew Pub
 Brewery, Distillery, Cidery, Winery
 Micro Brewery, Distillery, Cidery, Winery with Tasting Room
 Caterer/Wholesale Food Production
 Adult Entertainment Establishment

Marijuana Retailer
 Craft Marijuana Cooperative
 Marijuana Cultivator
 Marijuana Product Manufacturer
 Marijuana Research Facility
 Medical Marijuana Treatment Center
 Independent Testing Laboratory

G. Commercial - Art & Creative Enterprise

Artisan Production & Creative Studio
 Shared Creative Workspace and Arts Education
 Work/Live Creative Studio

K. Agriculture

Agricultural Use (Exempt)
 Agricultural Use (Nonexempt)

Article 6: Non-Conforming and Special Buildings and Uses

- The Special Buildings and Uses should be relocated to Article 5 and become Performance Standards for uses on Table 5.2
- Update the Accessory Dwelling Unit (ADU) regulations to allow more flexibility in creating small and affordable units with revised designed guidelines.
- Consider adding additional accessory uses and standards to reflect current terminology and more complete table of accessory uses:

RECENTLY ADOPTED ACCESSORY USE TABLE			
ACCESSORY RESIDENTIAL	ACCESSORY COMMERCIAL		
Accessory Dwelling Unit	Off-Site Accessory Parking Facility		
	Car Share Parking Facility		
HOME OCCUPATIONS	Moving Vehicle Share Parking Facility		
Home Office	Drive Thru Facility		
Home-Based Business	Food Hall or Public Market		
Hobby Kennel	Farmers Market, Vendors Court, and Mobile Food Markets		
	Motorized Single-User Shared-Transport Station (Bike/Scooter/Moped)		
ACCESSORY LODGING	Parklet		
Short Term Rental of a Dwelling Unit	Outdoor Merchandise Display		
Tourist Home	Outdoor Café Seating		
	Temporary Mobile Storage Unit		
ACCESSORY AGRICULTURE			
Apiculture			
Aviculture			
Farm Stand (EXEMPT)			
Farm Stand (NONEXEMPT)			
Community Garden Plots			

Article 7: Site Considerations-Dimensional and Density Regulations

- Consider revisions to Table 7.2 - Table of Dimensional & Density Regulations to allow for greater density where appropriate such as in the Planned Development (PD) District where traditional town center development patterns include greater intensity and density. Certain dimensional should be revised to better fit the context of a town center such as front setback (typically, front setback is not required in a pedestrian oriented districts where business visibility at the sidewalk is critical. Where there are front setbacks, the space is typically utilized for activation of the storefront (i.e. plaza, sidewalk café, display, etc.).
- As an alternative to the Notes to Table 7.2, a new subsection could cover special exceptions and conditions for building height, lot size, frontage, setbacks, open space, mixed use, buffer zones, impervious surfaces, temporary or accessory buildings, and other variation of the dimensional standards on Table 7.2. New diagrams should illustrate the dimensional standards and variations allowed for in the notes.

Article 8 – Traffic, Parking and Circulation Regulations

- This section should be reorganized and updated.
- The existing parking space requirements in the Appendices is NOT a complete list of uses (a sample from a parking study) and the ratios are higher are consistently higher than the current ULI and ITE standards. Also, ULI, ITE and the SmartCode also have new standards for shared parking which should be referenced in this section.
- New standards should be provided for electric vehicle parking.
- Parking placement standards should be revised to ensure that most parking is located to the side and rear of the building to enhance the streetscape and building visibility. In the PD district, no parking should be allowed between the sidewalk and the building.
- While the shared parking standards are good, revisions are needed to encourage internal access between adjacent properties and shared access.
- Parking lot landscaping, pervious paves/LID applications, and lighting provisions should be revised and updated to current best practices.
- Access, driveway, and drive-thru provisions should be revised and updated to current best practices.

Article 9: Signs

- New diagrams of different sign types and example photos should be updated and integrated into this section rather than by reference in the Zoning Bylaw Appendices.
- Certain prohibited signs such as roof signs, painted wall signs/murals should be considered with good design standards.
- Revised design and placement standards are needed for projecting signs, neon signs, wall signs, and subdivision signs.
- Additional signs should be added such as marquee signs, monument signs, window signs, vertical banner sign, yard/bracket signs, awning/canopy sign, suspended signs, business park gateway sign, and display case.

Article 10: Soil, Vegetation, Rock and Gravel Removal

- Subsection 10.3 (application) and 10.4 (plant distribution) could be relocated to the Planning Board Rules and Regulations.

Article 11: Residential Development

- Residential Development is not defined in the Zoning Bylaw, but it appears to be for the purpose of cluster developments and conservation subdivisions.
- The open space standards require a large amount of the development tract (50%) and is primarily focused on conservation of natural resources and constraints. There is not much attention to passive and active open spaces that would benefit residents and potentially the public.
- There should be design standards for active and passive recreation such as parks, pocket parks, ball courts, picnic pavilion, ballfields, pools, trails, playgrounds, certain indoor recreational facilities, etc.
- Limitations on residential density and multi-family make limits the potential for this bylaw to expand housing diversity and affordability.
- There may be some conflicts or inconsistencies between the RD design standards in Section 11.12 and the parking requirements in Article 8, dimensional standards on Table 7.2, and density standards in the Table 7.2 notes (these standards are spread out in different sections of the bylaw).
- Consider revising Residential Development to be more specific in terms of the types of residential developments and residential building types. For example, RD may include Conservation Developments, Open Space Residential Development (OSRD), Open Space Preservation Development (OSPD), Continuing Care Retirement Community (CCRC); Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Pocket Neighborhood (i.e. Housing Coop, Cottage Court, Compact Neighborhoods), Mixed Use Development (MUD), Planned Development (PD), etc. In terms of housing types: SF Dwelling, Duplex, Triplex, Multi-Family, Apartment, Condo, Townhouse, Rowhouse, Live/Work Unit, Cottage/Bungalow, Loft, Penthouse, etc.

Article 12: Site Plan Review

- There are no landscaping requirements in the Zoning Bylaw to provide a standard for sufficient landscaping. Landscaping should not only screen parking and utilities but enhance the street frontage.
- There are no lighting standards in the Zoning Bylaw to determine if the site plan is minimizing light pollution and intrusion.

Article 13: Administration, Enforcement and Amendment

- There are Phased Growth requirements under Section 13.7. Are they still in effect? If not, they should be removed.