



## Town of Groton, CT

# Zoning and Subdivision Regulation Audit

Prepared by VHB

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## INTRODUCTION

VHB has conducted an “audit” of the existing Zoning and Subdivision Regulations for the Town of Groton, Connecticut. The audit encompasses the Town of Groton’s regulations only, not those of the City of Groton, Groton Long Point or Noank. The purpose of this review is to identify areas of concern, suggest changes, and provide a “roadmap” to assist the Town in implementing the recommendations. The audit highlights inconsistencies, confusing and vague language, formatting and organization issues, out-of-date provisions, best practices, and barriers to efficient permitting. It is also the intent of this review to provide recommendations that address the regulation’s consistency with the Town’s overall economic development objectives.

VHB reviewed the Town’s goals with respect to updating its land use regulations and conducted interviews with local officials, staff and other key stakeholders. A reconnaissance of the Town was also conducted. Baseline information including zoning maps, zoning and subdivision regulations as amended, and other related land use information were reviewed.

The audit addresses the following issues:

1. Identification of inefficiencies in the regulations
2. Consideration of how the process can be clarified and streamlined to create a more user-friendly document and development process.
3. Clarifications in the timeline/flow chart for approval process



4. Consideration of whether removing a level of review, or at least a reduction in some part of the process can be achieved and if formal applications and approvals by corresponding commissions can be eliminated or consolidated
5. Identification of innovative and sustainable planning practices that can be used to promote a vibrant and growing economy
6. Review of innovative options for parking and other development standards, specifically within the Downtown Design District (DDD), Waterfront Design District (WDD), and Mixed Use (MX) zones, including review of shared, reduced, or phased parking requirements and other development standards across all zones
7. Review of special permit requirements across all zones, but specifically Nautilus Memorial Design District (NMDD), Downtown Design District (DDD), and Waterfront Design District (WDD)
8. Consideration of whether some or all uses that require a special permit can be allowed as-of-right with appropriate development standards and a site plan approval
9. Review of best management practices and best available technology for the Water Resource Protection District, including whether allowed current uses and standards should be altered to reflect technology advances that protect drinking water, if non-permitted uses should become permitted uses and if there are additional uses that should become non-permitted
10. Consideration of whether staff approval can be substituted for some type of commission approvals
11. Consideration of whether any boards/commissions can be consolidated or eliminated which would be consistent with the goal of streamlining the approvals process
12. Updating of regulations to ensure consistency with current state statutes and other state planning requirements
13. Review of Subdivision Regulations to determine consistency with Zoning Regulations and consistency with Best Practices (See Appendix G).

The audit lays the groundwork for potential changes to zoning and subdivision regulations that the Town should consider as the process of rewriting its land use regulations moves forward. Observations regarding the current zoning regulations are outlined, suggestions are offered regarding its organization and content, and recommendations are provided pertaining to specific topics or sections of the regulations.



The report is organized as follows:

- **Recommendations** – A summary of key recommendations that can begin to pave the way in making changes to the Town’s existing land use regulations.
- **Goals and Objectives** – A summary of goals and objectives that guided the audit review process
- **Stakeholder Interviews** - A summary of recurrent themes that emerged from interviews that were conducted with stakeholders that use the regulations on a regular basis
- **Demographic Trends** – A discussion of demographic trends that impact land use regulations
- **Audit of Zoning and Subdivision Regulations** – An assessment of the current zoning and subdivision regulations and recommendations organized by section of the code
- **Next Steps** – An identification of actions necessary to advance the process of rewriting the Town’s land use regulations.

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## SUMMARY OF RECOMMENDATIONS

Groton’s goal of maximizing economic development opportunities that result in liveable, vibrant places that draw people to Groton as a great place to live and do business, should serve as a beacon for focusing changes to its current land use regulations. Zoning and its review process are critical to shepherding this emergence. This audit identifies a variety of changes, additions, and corrections that are necessary to make it a more effective tool.

For a variety of reasons, Groton has had a difficult time attracting new development and has been losing opportunities to surrounding communities. Looking to the future, the Town will need to change negative perceptions, particularly around its regulatory process. As the market study by Camoin Associates, conducted concurrent with this audit indicates, future opportunities for new development within the Town and surrounding region are anything but robust. Moving forward, the Town should embrace the “less is more” approach and focus its resources on creating “quality of place” developments that represent the Towns’ new position in the marketplace.

It is intended that this process begin with a comprehensive rewrite of the zoning regulations. In the interim, or in the event this does not occur in the near future, we have condensed the recommendations of this audit into a series of immediate actions that the Town should consider as it moves forward. The changes are organized into three basic categories and are listed in terms of their priority:



1. **Pave the way for economic development that results in high quality development patterns that reinforce “sense of place”**
  - A. Eliminate the MX District and create a Mixed Use Special Use Permit.
  - B. Conduct a study of the Route 1 corridor to quantify what is on the ground; i.e. uses, parcel sizes, building types, square footages, rents etc. Develop a long term plan for the corridor and a more immediate “guide plan” that focuses on targeted areas and can lead to a quality mixed-use development within the designated Downtown Design District.
  - C. Investigate the opportunity for using Tax Increment Financing as a potential planning tool for improvements to the Route 1 corridor. Though TIF does not involve zoning per se, when applicable it can be an excellent tool for demonstrating commitment and stimulating change and as such, should be implemented as soon as is reasonably possible.
  - D. Conduct a staff level planning study of the Waterfront Design District to quantify what is on the ground in order to create appropriate metrics to address expansion pressure.
  - E. Create a “pattern book” for Mystic and other “special places” to convey guidelines for future development.
2. **Create more “user friendly” regulations**
  - A. Change the pagination to a simple number progression
  - B. Expand/modernize the Town website capabilities
  - C. Create an illustrated “Developer’s Handbook” as a supplement to the regulations which can provide more clarity as to intent.
  - D. Create a Permit Table and Process Checklist as handouts for applicants.
  - E. Create thresholds of Site Plan Review whenever possible.
3. **Simplify the regulations**
  - A. Amend the Definitions Section to reflect contemporary terminology.
  - B. Simplify the existing Table of Permitted Uses and condense to a much smaller table as exemplified in Appendix A.
  - C. Expand the General Regulations Section by bringing the parking and loading requirements, sign standards, landscaping standards, sidewalk standards, environmental controls and consider bringing conditional uses into this section.
  - D. Change the nomenclature designations in the Table of Permitted Uses as suggested on page 15 of this report.
  - E. Incorporate the principles of Complete Streets into the Subdivision Regulations and supplement the regulations with illustrative x-sections of street hierarchy.



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## GOALS AND OBJECTIVES

The following goals and objectives guided the audit review process:

- “Less is more”.
- Be user-friendly – provide regulations that are clear, concise and presented in a logical sequence.
- Simplify the approval process wherever possible.
- Provide predictability and eliminate the potential for “surprises”.
- Provide incentives to meet economic and desired development objectives.
- Recognize “Best Practices”. (See Appendix G)
- Ensure consistency with the Town’s Plan of Conservation and Development.
- Recognize trends that relate to desired development patterns including Healthy Communities, Active Design and Universal Design Principles.
- Protect existing neighborhood fabric.
- Provide for infill development that is in scale with the surrounding context.
- Provide easily visualized development controls.

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## STAKEHOLDER INTERVIEWS

As part of the audit process, VHB and Camion Associates conducted a series of interviews with individuals representing a broad spectrum of the Town including elected officials, Town staff, Town commissions, business owners, developers, regional entities and development professionals. The purpose of the interviews was to help understand the needs, issues and objectives as they relate to land use regulations within the Town. The interviews raised a number of key issues and priorities relative to the existing zoning and subdivision regulations that should be considered as part of the audit.

Following is a summary of recurrent themes that emerged from the stakeholder interviews:

- The current regulations are cumbersome, outdated and lack consistency. The regulations “get in the way” and hinder the Town’s ability to attract development. The Town needs new, modern standards presented in an organizational format that is easy to understand and use.



- ▶ In reorganization/rewriting of the regulations, care must be taken to ensure consistency with the rulings found in the McKenzie Decision (2013) regarding the granting of waivers. The Town's Attorney should review all references to waivers in the zoning rewrite process to ensure consistency with McKenzie.
- ▶ The Town should capitalize and promote its strengths and assets including its waterfront location, excellent regional access (highway, ferry, rail, and airport), good schools, parks and museums and other major destinations including Mystic and Bluff Point.
- ▶ There is a sense that the Town is losing out to other coastal communities in attracting economic development. This is attributed to its past reputation as a difficult place to do business and its cumbersome regulations and review process.
- ▶ Multiple Committees and Commissions create complexities. Opportunities to streamline the review process and reduce/simplify the number of zones should be explored.
- ▶ There is confusion created by the Town/City of Groton jurisdiction. Multiple jurisdictions and districts creates redundancy of functions and operations (zoning, public works, police, fire, multiple commissions). The Town should convene a working group of representation from all the jurisdictional agencies to discuss ways to minimize overlap and work more efficiently together.
- ▶ Past successes with Pfizer and Electric Boat have resulted in a sense of complacency.
- ▶ Changes in land use regulations should support the Town's goals for attracting new economic development.
- ▶ Kudos to the Town's current planning and economic development staff. Their "can do" attitude is changing the environment with respect to working with the development community and facilitating development opportunities.

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## DEMOGRAPHIC TRENDS

As part of the zoning review process, it is important to recognize emerging trends in population and their potential impact on built form and land use patterns. Meeting the Town's objective for attracting new development opportunities and broadening its economic base requires attention to demographic trends that may ultimately impact development patterns.

The two groups that are having the most immediate and significant impacts are the baby boomers and the millennials. The "boomer" generation is now hitting



retirement age and the real estate market is responding with a wave of 55+ developments but many of these early retirees are seeking alternatives to the master planned community desiring instead to “age in place”. This demand often conflicts with Euclidian zoning principles and has many communities rethinking their land use policies regarding housing types and configurations. Development issues that most often arise as part of this demographic shift include the following:

- New residential models such as attached small single family homes
- Reduced setbacks
- Smaller lot sizes
- Mixing housing types and products; cottage design
- Demand for accessory housing types.

A healthy community must provide a variety of opportunities to house its’ aging population while also meeting the needs of millennials and young families. Nationally, these residential needs have combined with new shopping and recreation habits to produce new demand and reshape traditional development patterns. While the Town may currently allow “granny flats” the examples above indicate an expanded approach that should be considered to respond to new demands for residential choices.

Millennials- those born in the early 80’s and are now in their early 30’s- have had a significant impact on the workplace as well as bringing new life and energy to the “rougher” edges where rents tend to be cheap. Almost two-thirds of this cohort rent in places where the job situation is favorable and the demand for rental housing is high. Interestingly, the millennials and the boomer generations overlap in one area that has a significant impact on development patterns - the desire to live, work and play in close proximity to one another. This translates to mixed use developments with proximity to public transportation and services, a pattern that embellishes the principles of Traditional Neighborhood Development and the kinds of development controls that are a function of a Form Based Code approach to zoning. If public transportation is not available, bike paths and sidewalks in a compact village or other type of dense suburban center are still very important.

Millennials drive fewer cars and have chosen to start their families much later than preceding generations, which may suggest relaxing parking standards in certain developments or allowing shared parking as a way to reduce the environmental impacts of the car. Other potential transportation-related impacts include:

- Widening sidewalks and pedestrian zones
- Adding pedestrian crossings



- Adopting “Complete Streets” principles within town subdivision regulations
- Encouraging development adjacent transportation nodes
- Ensuring interconnected streets with bike and multi-use paths whenever possible, particularly in the Subdivision Regulations

Consequently, any revisions to the Town’s land use regulations should consider the following:

	<b>Zoning Implications</b>
<b>Millennials</b>	Increased demand for rental housing
	Increased density resulting from the desire to live/work/play in close proximity
	Reduced parking demand
	Increased demand for bikeways and bike accommodation as well as pedestrian travel
	Increased demand for complete streets and public transportation options
<b>Seniors</b>	Demand for new residential models - smaller lot sizes and smaller houses, as well as attached housing options
	Allowing a mix of housing types, including for the “empty nester” market
	Allowing adaptation of existing units and other aging in place options
	Providing/ensuring connectivity to services and entertainment
	Providing multiple options for “aging in place” including conversion of larger SF houses into duplex or 3 family units
<b>Live/Work/Play Desires</b>	Demand for mixed-use and proximity to services
	Providing/supporting opportunities for Traditional Neighborhood Development patterns
	Locating development near transportation nodes
	Impacts to transportation include interconnected streets, “Complete Streets” and increased sidewalks, crosswalks and bike storage
	Providing for increased on-site amenities and outdoor spaces on industrial/office development and redevelopment

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## ZONING REGULATIONS AUDIT

The Town’s Zoning Regulations contain a number of ambiguities, conflicting or out-of-date standards, missing information, and complexities that present barriers to growth and development. The result is a zoning code that has an unnecessarily high number of districts (i.e. four rural categories where one may suffice), ten commercial



categories, too many separate dimensional and density requirements, and an excessive and confusing number of allowable exceptions in various districts to accommodate newer development trends. These issues need to be addressed if the regulations are to be more aspirational and forward looking.

This zoning audit offers specific recommendations to address the form of the regulations as well as its functionality. The intent is to remove or reduce barriers to a smooth and predictable permitting process. The recommendations are described as policy changes to consider before specific new zoning language is prepared to address the identified problems. If the Town proceeds with zoning amendments, it is recommended that it be undertaken in a comprehensive rather than piecemeal manner so as to avoid the type of problem that created many of the issues that are identified in the audit. Although a large undertaking, a comprehensive zoning re-write will save the Town time and money.

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## General Comments

1. Overall, the Town's Zoning Regulations are cumbersome, overly wordy, unclear and not user-friendly. This is supported by feedback gained from interviews with Town staff and stakeholders who use the code on a regular basis as well as VHB's own assessment of the regulations. The regulations have been amended on a piecemeal basis over the years, resulting in page numbers that do not follow and/or match the Table of Contents. Numerous land use terms are not used consistently across all sections of the regulations and many are not defined (i.e. mixed use). Several long-established base districts lack a statement of purpose and clear description of the district.
2. From an economic development standpoint, there are few incentives in the zoning regulations to encourage the marketplace to invest capital in a manner that furthers the long term goals of the Town. As an example, Floor Area Ratio (FAR) bonuses are often used by communities as a means of incentivizing desired development but are absent in the Groton Zoning Regulations. Development Standards can also be used as an incentive to the market by not saddling well intended developers with a one-size-fits-all requirement. Recognizing the McKenzie Decision, this can be addressed by using dimensional ranges to provide for flexibility. While this decision is significant, it should not be interpreted to mean that "flexibility" is no longer possible.

Existing zoning is not supportive of emerging trends in the real estate marketplace, particularly in encouraging mixed use. The current process with a Mixed Use Master Plan followed by a site specific Special Permit as outlined in the Mixed Use Zone is daunting and a disincentive to creating the kinds of interesting and lively mixed use developments that are emerging in cities and towns throughout the country.



3. Zoning regulations should provide a clear picture of the purpose and nature of the various districts prescribed in the regulations. Basic purposes and descriptions within the current regulations are lacking (i.e. IA-40, IP-80A and IP as well as all of the current C districts). Zoning should be concise, descriptive but not wordy.
4. The existing Table of Permitted Uses is extreme in length and degree of specificity and should be significantly consolidated and shortened. Today's codes have moved away from attempting to identify every possible use that may be proposed and are more typically 4-5 pages in length (see Appendix A). Uses currently listed from earlier eras of manufacturing and commerce such as textile references, can be eliminated.
5. Current Zoning and Subdivision Regulations lack requirements pertaining to pedestrian and bike facilities, bike lanes, trail connections, transit shuttles (where feasible) and consideration of Complete Streets improvements in the abutting street system. These are consistent with current trends such as Healthy Communities. Implementation will need to be coordinated with the Department of Public Works. It should be noted that a recent court ruling (Buttermilk Decision) will limit the Town's ability to negotiate for off-site improvements in this regard.
6. Within key industrial and commercial districts there are an absence of requirements addressing sustainability and alternative energy generation and related facilities.
7. The Downtown Development District, considered by residents as Groton's town "center", cannot achieve its stated objective under a hybrid strip commercial zoning model. The highway location and existing strip commercial pattern stands in such contrast to any future, aspirational development goals that an overlay district is likely the only viable way to encourage and induce an alternative development pattern over time. The highway location will prevent it from eventually becoming a true vibrant, town center district. The best compromise is to create an Overlay that, at the very least, promotes over a long period of time a very different building and layout pattern, with structures close to the road, parking to the side and rear, multiple buildings rather than one big, connected linear or L-shaped structure, significant common green areas, and some degree of pedestrian-bike connectivity. While there is a need for a master plan to establish a clear vision for the corridor, the zoning needs to provide development incentives in combination with clearly illustrated design objectives if the goal of attracting new development in the form of a "center" is to be established.
8. The Nautilus Memorial Design District is a small zone whose aspirations are perhaps too lofty to be realistic. It presently contains a modest mix of scattered commercial uses tied to the museum attraction as well as to general tourism. However, there are no plausible densities offered that are compatible with the



ambitious type of development desired. The dimensional standards (e.g. 200,000 SF minimum lot area requirement) are not realistic. It seems improbable that this district will ever evolve beyond its current pattern of relatively low-end businesses and a more pragmatic commercial gateway strategy may be more attainable. The NMDD could simply be eliminated and one of the existing, smaller scale Commercial districts substituted, perhaps with some tourist related uses thrown into the mix. Or, the NMDD could be substituted in its entirety with a brand new NMDD, but dialed down to a more realistic set of uses, as well as a more pragmatic and attainable minimum parcel size and development standards.

9. The Waterfront Design District, in its scale and pattern, represents a real village center with a traditional neighborhood pattern of development. It is challenged with balancing the needs of residents with the desires of tourists to the Mystic area. One can easily anticipate this district pushing at its edges in the future. The current zoning for the WDD is vague in terms of what it wants for future development. The “vision” for this area needs to be strengthened and specific guidelines included to address future growth of this district in terms of climate change impacts, parking demands and the potential conflicts that may arise between the two Groton and Stonington.
10. The existing Zoning Regulations are a challenge to get through and lack the efficiencies and streamlined review processes that are in place in many other communities such as zoning checklists, “fast lane” approvals based on certain development thresholds, and a “permit tree” that shows the various permits required with the issuing body. There are several examples provided in Appendix B and C that should be considered when the zoning is re-written. These along with other items could comprise a “developers’ handbook” that the Town could issue outlining process items, a permitting table, and checklist to be provided at the initial staff review.
11. Groton currently lists 28 separate Boards and Commissions on the Town website many of which have an impact on the development process and ultimately the timing of the approval process. Attracting new development and overcoming existing perceptions of “difficult to do business” as heard repeatedly in the Stakeholder Interviews need to be addressed early. Later in this report we have suggested creating a combined Planning/ Zoning Commission as a means of addressing this issue.

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## Recommendations

The following recommendations, organized by section of the code, generally fall into the following three categories:

1. Recommended improvements to the organizational structure, definition and clarity in key sections of the zoning regulations.



2. Recommended language to fill a void in the regulations such as the absence of general purposes and definition in conventional base districts.
3. Sweeping changes such as eliminating a district, creating a new overlay, or substantially re-writing the content of a special district.

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## Section 2: Definitions

The definitions sections needs to be updated. There are a number of land use terms that should be defined and made consistent with state law and current building codes. One of the most glaring omissions is the definition of “mixed use”. Other emerging “new” uses such as windmills, bed and breakfast establishments, solar arrays and medical marijuana should be defined. Definitions for certain land use categories such as child day care centers, nursing home and community residential counseling facilities should be reviewed to ensure consistency with Connecticut statues. Definitions should also be reviewed to ensure consistency with current building codes.

The Town may want to consider providing diagrams to support certain definitions. For example, determining building height on a sloping site is often a confusing exercise and more easily understood in diagrammatic form. Signage standards are particularly amenable to diagsams that illustrate the intent of the regulations. If not part of the definition section, these illustrative graphics can be placed in an appendix and go long way towards improving the communication of the rules and ease of interpreting them for proponents.

Many of the terms that need to be added to the definition section relate to the different types of uses that are listed in the Table of Permitted Uses (discussed below). An examination of how land uses are listed across the regulations indicates inconsistencies in how land use terms are listed when comparing the definitions, Table of Permitted Uses, and parking standards. For example, the term retail trade is not defined but it is the use heading in the Table of Permitted Uses that governs dozens of different specific retail uses. Convenience stores are not defined (and therefore a good example of a type of common land use that deserves a definition), is not in the Table of Permitted Uses, but is listed separately under the parking standards in Section 7.2-3. The Table of Permitted Uses lists “nightclub, disco, cabaret” under the cultural, entertainment and recreation category, but the parking regulations use the words “nightclubs, bars and lounges”. None of these terms are defined. All uses listed in the Table of Permitted Uses should be defined.

There are advantages to having all definitions in one section, importing definitions that are scattered throughout the Regulations into the Definitions Section near the front of the Regulations. Cross referencing for clarity purposes can be provided where definitions have been relocated.



Following is a partial list of definitions that are currently missing and need to be included in the zoning regulations. Additionally thought should be given to grouping definitions into categories that reference the same topic. For example, list Day Care and under it list the various types- child, adult etc.

- Abutter/Abutting
- Accessory Apartment
- Accessory Structure
- Adaptive Reuse
- Adult Use
- Affordable Housing
- Alterations
- Bar
- Bed and Breakfast
- Block
- Building Coverage
- Building Envelope
- Bulk and Massing
- Cellar
- Common Driveway
- Concept Plan
- Convenience Retail
- Developer
- District
- Drive-thru Facility (may want to distinguish between fast food and all others)
- Exemption
- Farm, Commercial
- Floor Area Ratio
- Form based
- Foundation Elevation (Mean)
- Frontage
- Garage



- General Office
- Home occupation
- Height, Building
- Land Unsuitable for Development
- Lot Coverage
- Medical Marijuana
- Microbreweries
- Mixed Use/Mixed Use Development
- Nightclub/Lounge
- Overlay District
- Photo Processing
- Planning Commission
- Retail/Retail Trade
- Solar Array/Park/Photovoltaic Station
- Special Permit
- Story/Half story
- Structure
- Variance
- Windmill
- Wineries
- Wireless Communication Tower
- Zoning Official

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## **Section 3: Establishment of Zoning Districts and Maps**

### **3.1 Classes of Districts**

The goal here should be to have zones that are supported with descriptions of the development character desired in each zone and to simplify/minimize the overall number of districts.



1. Provide a definition, purpose and vivid description for each District. The Town's Plan of Conservation and Development provides vivid descriptions of the character of various areas of the Town. Providing the same kind of descriptions for each of its' zoning categories can help underscore the intent with respect for future development and expectations for how it should fit within its context.
2. There are currently 11 categories of Residential. Consideration should be given to reducing the number of residential categories. For example, these could be reduced to the following three classifications:
  - A. Rural - lots of more than one acre and not served by town water and sewer.
  - B. Single Family-Large Lot - any lot greater than or equal to 1/4 acre and served by Town water and sewer or lots greater than 20,000 sf to one acre but not served by Town water and sewer.
  - C. Single Family-Village Lot – lots equal to or less than 1/4 acre served by Town water and sewer.
3. There are currently six categories of Multi-family. Consideration should be given to condensing these based on building type and form as in the following:
  - A. Attached Single Family Units - this includes duplex, tri-plex and multi-unit buildings such as townhouses that are primarily " for sale" housing.
  - B. Garden Style Apartments and Condominiums - up to 3 story buildings with units arranged along a corridor.
  - C. Mid-rise Apartments and Condominiums - buildings greater than 3 stories but less than 6 stories.
4. There are currently 10 categories within the Commercial District designation. Consideration should be given to reducing the number of Commercial District categories to the following:
  - A. Corridor - Route 1, Rt. 117, Rt. 184
  - B. Node - Gateway( Nautilus area, I-95 Interchange), Neighborhood\*
  - C. Center - Town Center, Mystic

\*The Town may want to consider allowing small (5,000 SF or less) Live/Work or incubator retail (products are made on site and sold retail) as a permitted use with staff review.
5. The Office and Industrial classification can potentially be condensed into the following:
  - A. Office or Industrial Park - a multi building development pattern organized around a common area or road pattern.
  - B. Large Development/Manufacturing - intensive, large footprint uses that are generally incompatible with residential neighborhoods and typically benefit



from more remote locations accessible to highway, rail and water access points.

- C. Small Development/ Light Industrial - low to moderate impact uses which may benefit from proximity to mixed use residential neighborhoods and which are located adjacent to highway access points.
6. The Town should consider creating an Industrial Mixed Use Special Permit for the Industrial Districts. This approach allows not only customary research and development/light manufacturing/office/corporate and related uses but complimentary ones such as hotels, restaurants, limited retail, recreation businesses and more. Under the Special Permit, density bonuses can be offered as an incentive and more design flexibility is afforded by providing dimensional ranges. Although the current zoning regulations does allow some mixing of uses, such an approach outlined here could serve as an incentive zoning tool to attract new development. An example of such an approach is provided in Appendix D.

Should this more condensed district categorization or something similar be incorporated in the zoning rewrite, the changes would need to be consistent throughout where old categories would be eliminated or renamed (i.e. references in Table of Permitted Uses, dimensional standards, etc.).

### **3.5 Lot Lying in More than One District**

Consideration should be given to replacing the existing language with the following:

1. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than 30' into the other district.
2. Where a right-of-way, street, railroad or watercourse is shown on the zoning map as a district boundary, the centerline thereof shall be the boundary line
3. Where the boundary lines of districts follow property lines as shown on the zoning map, said lines shall be deemed to be established to coincide with those property lines as they existed at the time said boundary lines were adopted.

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## **Section 4: General Regulations**

1. For ease of use, consideration should be given to bringing the following into the General Regulations section so all general standards exist under this umbrella:
2. Parking and Loading Standards: Sidewalks and Paths
3. Sign Standards
4. Landscaping Standards



5. Environmental Standards
6. Lighting specifications and plans  
Note: Conditional Uses may also be brought into this Section.
7. Currently Zero Lot Line is allowed in all residential districts (Section 4.15). If the new residential categories suggested herein are adopted, zero lot line would not be permitted in the Rural classification. In the re-write process, use of and standards for zero lot line should be reviewed and clarified. In response to changing demographics, particularly with aging residents, there is growing interest in this residential option.

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## Section 5: District Standards

### 5.1-3 Table of Permitted Uses

1. Consider changing the current nomenclature which is confusing. For example, X, the symbol that is normally used to indicate a use or action that is prohibited, is used to identify uses that are permitted as of right. Consider a more descriptive nomenclature such as:  
  
Y - Use allowed as-of-right  
  
Y SPR - Use allowed as-of-right but requiring a site plan review  
  
SP - Use requiring a Special Permit by the Zoning Commission or Planning Commission  
  
N - Prohibited use
2. As noted earlier, the Table of Permitted Uses (5.1-3) should be consolidated and shortened. This format can be simplified by combining certain uses that have the same designation across the zoning district. From a land use perspective, there is no difference in the impacts between retail uses such as a clothing and a shoe store; a hotel/motel and an executive hotel/motel suite; or the various types of offices listed in the Table of Permitted Uses. If there is an intended difference, the terms need to be defined to explain or justify why they should be regulated differently. The current Table of Permitted Uses has too many specific uses listed. As discussed above, the list needs to be updated to reflect newer uses as well as others that the Town might desire (also discussed below). An example of a model abbreviated Table of Permitted Uses is provided in Appendix A.
3. Questions and issues for the Town to consider in revising its Table of Permitted Uses include the following:
4. There are a number of odd designations that are undefined. For example, what is a “legitimate theater” or a “large-scale destination-oriented commercial” use?



5. It does not appear that all districts are included in the Table of Permitted Uses. Does WF include both the WF-20 and the Waterfront Design District, or does DD include all “Design Districts”? Are all Design Districts supposed to be treated the same? Reducing the number of districts as suggested herein will help minimize the number of options but care should be taken to assure consistency.
6. The Table of Permitted Uses includes a designation for nightclub, disco, cabaret, but not bars or taverns. Bars and taverns are logically distinct from nightclubs, discos and cabarets and are arguably more common. How does the Town deal with those uses? As mentioned above, bars are listed in the parking standards, however.
7. Why are some types of office uses allowed in the WF districts, but not others?
8. Drive-through facilities are listed as a separate item. Are all drive-through facilities treated the same? For example, a fast food drive through is substantially different than a bank or pharmacy drive-through. The Table of Permitted Uses appears to be inconsistent with the standards in Sec. 7.1-36 in terms of where they are allowed (as an accessory use on lots 20,000 square feet or greater in most non-residential zoning districts).
9. Restaurants are listed in the Table of Permitted Uses, and fast food and take-out are separately defined and have distinct parking requirements, but are not designated in the Table of Permitted Uses. There should be separate designations, since there is a legitimate planning reason why one could site a fast food restaurant in one commercial district while potentially prohibiting it (or allowing it by special permit) in another district.
10. There are a number of modern day uses that are missing from the Table of Permitted Uses such as convenience stores, big box retail, dog-washing services, as well as some outdated land use designations or uses that are not likely to ever be sited in Groton (particularly in the manufacturing and industrial sectors).

### **Table 5.2 Lot, Yard and Building Requirements by Zoning District**

1. Overall comment—Floor Area Ratios are recommended, especially for Industrial districts as well as in the areas to be identified for targeted economic development. *We recommend the use of FAR (the total square footage of the building divided by the total lot area) because it is a tool commonly used by communities and developers that are focusing on mixed use and higher density development.* Also—some minimum frontage might be worth considering in certain districts.
2. If IP80 B & C are base districts, they should be included in the Table of Permitted Uses; very difficult to figure out what the requirements are; one has to refer to endnotes 2 and 3, and even then it’s hard to assume what applies dimensionally, other than the step-back provision relating setback to height.



3. Lot sizes—the 80,000 SF minimum in IP 80A allows a 9 or 10 story building on less than 2 acres, and with a fairly generous 40% lot coverage, thus raising concerns of being able to provide adequate parking on-site, short of being forced to go to structured parking. Also, a tall building on an 80,000 SF parcel might make the layout very tight for everything else (i.e. landscaped area, walks, refuse and transformer pads and other physical features, in addition to parking). There could be similar concerns for the IP district, where a seven story building could be constructed. The site template for each district must be tested in a maximum-build scenario. The lot sizes could be bumped up a little. Is there really a need and a market for buildings up to 10 stories, in these locations?
4. Lot dimensions—the 200' minimum width in the two 80,000 SF Industrial districts is not unreasonable, but perhaps there could be a little more dimensional range, perhaps to 175', to allow flared cul-de sac lots.
5. Endnotes 4 to 8: an awful lot of jumping back and forth is required, between the dimensional table and the specific regulations for various special districts, performance standards, and special provisions. One option is to duplicate the dimensional requirements involved in the cited sub-sections in a second dimensional table, for ease of reference. This table also could indicate where such metrics are left flexible by providing dimensional ranges.
6. Waterfront Design District—The 8,000 SF minimum lot, as well as 4,000 SF/d.u. and 60' width are reasonable but, given the sensitivity of this area relative to future change and expansion, simple land use studies of a representative cross-sampling of properties in the WDD would verify the efficacy of these zoning dimensions in the table. Such a study could be done by Town planning staff given their knowledge of the District and its fabric.
7. Downtown Design District— as discussed earlier, this district cannot be a hybrid of a future traditional downtown and the highway commercial district that it actually is. An alternative overlay approach, with dimensions that make sense but with some design flexibility expressed as dimensional ranges( in recognition of the McKenzie Decision), should be considered. The dimensions should be changed to codify the highway commercial land use uses that are already there and leave alternate development patterns to the overlay. The Town should review the size of parcels specified in the DDD, particularly opportunity sites with development potential. The minimum lot size should be reduced to one that represent a typical lot size for the district as a whole, or at least those parcels with significant development potential that the Town would like to encourage.
8. The metrics in CA-12 sf and CB 15 sf make no sense. Six-story, 75' high buildings on 12,000 and 15,000 SF lots, with lot coverage limits of 25% and 30% respectively seemingly doesn't work. Also, CA and CB 40 are identical in all dimensional standards, the only differences are within the lengthy Table of Permitted Uses, but those differences are not sweeping. Could they be combined with a rewritten and shortened Table of Permitted Uses?



9. Ensure that densities within each district should be made consistent with the Town's Plan of Conservation and Development

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## Section 6: Special Districts and Special Regulations

1. Consideration should be given to simplifying this section and embellishing the district descriptions. The Town should consider eliminating the Office-Multi Family District in its entirety as these small zones simply codify the jumble of existing uses and address them instead within the new Mixed Use standards. Reorganize and create two sections - Special Districts and Special Regulations.. Eliminate the Residential Performance Standards section as these concerns are regulated by the Health District. Note: the use (i.e. open space, residential development) will be kept in the zoning regulations.
2. The following zoning districts are unique in terms of their desired development character and mix of uses and should remain as such in Section 6 of the zoning regulations:
  - A. DDD - Downtown Development District
  - B. WDD - Waterfront Design District
  - C. NMDD - Nautilus Memorial Design District (discussed further below as this may get eliminated)

### 6.1 Office Multi Family District

1. We recommend eliminating this as a special district and moving the Multi-Family regulations to become part of the Residential District classification with three categories: attached single family units, garden style buildings (up to 3 stories) and mid-rise (greater than 3 stories but not to exceed 6 stories). *Note: As the OMF zones are currently scattered throughout the Town, each should be carefully reviewed in determining what the replacement zoning should become.*
2. If multi-family is a part of a proposed development program under the Mixed Use Overlay proposed herein, the standards regarding lot size, yard requirements etc. that are part of the underlying zoning would not apply.
3. As currently written (6.1-4B), the minimum lot area per dwelling unit for multi-family dwellings is 6,500 SF which is 6 DU/Acre. For future consideration regarding multi-family dwellings the Town may want to consider reducing this to 5,000 SF to allow 8 DU/Acre.
4. Current yard requirements (specified in 6.1-5) result in a suburban development pattern. The Town should reconsider revisions to these metrics that are more consistent with neighborhood development standards where more dense, compact development patterns would be consistent with town goals and



emerging demographic trends. Typically, setbacks are minimal in compact neighborhoods- 10-15' front yard setbacks and 6-8' side yards- with houses "on the street". The same standards should be used in areas targeted for mixed use development.

5. Consideration should be given to converting the Multi-Family Options Section (6.1-8) into a table titled "Density Bonuses". Under the current options, the maximum reduction is to 4,000 SF per unit of lot area or 10 DU/Acre. Consideration should be given to reducing this ratio to allow for higher densities, particularly where adjacent to existing services or public transportation. For example, the potential for lively mixed use in the DDD will be greatly improved if densities of 25-30 DU/AC are attainable.

## **6.2 Downtown Development District**

1. The purpose section (6.2-1) needs to be revised to explain the district as it exists now and its potential under a Special Mixed Use Permit or overlay with clear development pattern objectives. Consider replacing with the following language:
2. The area designated as the Downtown Development District serves as the central business district of the Town of Groton. This district is comprised of three components:
  - A. Gateway - A mixed concentration of service commercial and hospitality uses that relate to the exit ramp at I-95 and to Route 1.
  - B. Corridor - The existing strip commercial centers located along Route 1. This area may contain mixed use but it is typically horizontal rather than vertical. Development patterns contain large surface parking areas that may be centered on one or more "big box" format buildings.
  - C. Center - A concentration of higher density mixed use development allowed under a Special Mixed Use Permit or Mixed Use Overlay. The purpose of this overlay/permit is to create opportunities for economic development by incentivizing a vertical mix of uses that allows a more dense, village center scale of development. Such a center is more pedestrian in nature and should provide for a variety of community focused events in order to function as a true town center. The Center should consist of multi-story and mixed use building close to the street with shared parking on side and rear with occasional exceptions; not single story, single use buildings with parking in the front.
3. The regulations in this district are intended to encourage concentrations of commercial development that reinforce the desired development typologies and character unique to each component.



### 6.3: Waterfront Design District

1. The existing Table of Permitted Uses does not specifically delineate what is allowed in the WDD (there is a WF designation but Section 3.1 lists a WF-20 in its list of classes of Districts), so it is left to interpretation. There is nothing to suggest that water related uses are encouraged within the WDD. The evolution of this area will most likely continue towards a mix of tourist related commercial and residential uses. Therefore it would make sense to address this in the Table of Permitted Uses.
2. The special permit thresholds should be reconsidered with regard to additional units. For example, should one unit require a special permit?
3. Consider establishing density and dimensional standards based on what is on the ground today, utilizing the existing character as the framework. The Town should consider better codification of the uses that are in the WDD today. The regulations in this district need not be as proscriptive as a Form Based Code, but should represent careful application of conventional zoning focused on pattern relationships to make preservation of the existing scale and appearance the desired outcome.
4. Allow expansion of the district but only with uses that maintain the existing development pattern (i.e. home based occupation, bed and breakfast establishments). As to the question of borders or delineated limits our view is that the guiding principle or logic is determined by quantifiable metrics and not border specific. Among such metrics we would include: maintaining the existing building form and relationship to its' site, maintaining historical character, parking accommodation( no change to existing pattern), and potential traffic impact (should be minimal).
5. New development could be guided/encouraged with the use of a "Mystic Pattern Book" or an illustrative section/appendix that shows appropriate building types similar to the allowed building types that accompany Form Based Codes. This would be a helpful tool in alleviating neighborhood concerns regarding potential expansion of the district.
6. Consideration should be given to replacing the Purpose section (6.3-1) with the following:
7. "The purpose of this district is to provide a mix of walkable, village scaled residential, commercial and office uses that balance the needs of area residents with those of tourists and visitors drawn to the area's unique sense of place."
8. Under Design Objectives (6.3.2), consider eliminating "B" as it is contained in the revised Purpose statement. Under "C", is "limited degree of commercial development" quantified/quantifiable? Consider adding language under "C" that architectural and site design of new development should be consistent with the existing aesthetic character of the district.



9. Under Building and Development Standards (6.3-4):
10. The height standards are difficult to understand and should be accompanied by a graphic illustration. We have suggested the creation of a “developer’s handbook” as a means to improve understanding of the intent of the regulations in areas that are often confusing due to language. Height standards are an example of an area which can be easily clarified with illustrations in such a handbook.
11. Recognizing demographic trends, specifically retiring “boomers” looking for opportunities to stay in the community but to downsize, the Town may want to reconsider the 65% coverage as well as the 4000 SF of land area required for multi-family residential in this district. Consideration should be given to increasing building coverage to 80% of the lot area and dropping the land area to 3,500 SF. Other than height restrictions to preserve views, as long as new development meets its required parking demand as well as desired aesthetic standards of the district, why limit density?

#### **6.4 Open Space Subdivisions**

1. Allow Open Space Subdivisions in the new Rural and Single Family Large Lot classifications and recognize that developers may choose to use a common “package plant” approach to serving sewer needs which would allow for lower minimum lot area requirements.
2. Consideration should be given to reducing the minimum land area to 5 acres in the SF-Large Lot classification.
3. In determining the total lots allowed use the following:
  - A. In Rural, the minimum usable lot area per dwelling unit would be 10,000SF per single family unit (two-family units would not be allowed). This would give a net density (minus the 20% open space requirement) of 4 DU/Acre.
  - B. In SF-Large Lot, the minimum usable lot area per single family unit would be 7,000 SF. This would yield a net density (minus the 20% open space requirement) of 6 DU/Acre. Two-family units would not be allowed.
  - C. Note: As land use patterns and development types will change to adapt to emerging demographic trends, the Town should consider adding definitions for newer land terminology such as buildable area, net usable or developable area and non-buildable area in the Definitions Section.

#### **6.5 Residential Performance Standards**

1. Eliminate this as these issues are regulated by the Health District, however we suggest changing the determination as unbuildable a ground slope of 10% or greater to be 15% or greater.



2. **Special Regulations** (new section- no changes within these but review for Best Management Practices where applicable) to include:
  - A. Flood Protection
  - B. Coastal Resource
  - C. Erosion and Sediment Control
  - D. Stormwater Management

### **6.7 Residential Multi Family**

1. While the stated purpose is to “guide the development of multi family projects within the town where necessary utilities and transportation improvements are in place”, such zones end up being exclusionary and, given the need to provide for a variety of housing types to meet the needs of changing demographics, a more desirable goal would be to allow multi family to exist, with development controls, within most districts. We suggest eliminating this designation as a separate entity and folding the regulations and standards into a multi family category of the Residential District classification.

### **6.10 Nautilus Memorial Design District.**

This district aspires to be a complementary zone for support uses tied to the museum attraction and to tourism but its aspiration seem unrealistic; there are no real densities offered compatible with that kind of development and the dimensional standards (200,000 SF minimum lot area) are not practical given the goal for the district. It is doubtful that the district has met its expectations in its current form. There are several potential approaches:

1. Eliminate the special designation and treat it as a node (gateway) type of commercial area. As there is currently no underlying zoning for this district, this would have to be created. This would provide a clearer set of guidelines in terms of allowed uses as well standards and incentives to shape the development pattern in the district and add clarity as to the Town’s goal for the area.
2. Amend the existing zoning by modifying the allowed uses and testing their viability in terms of the economic need they might fulfill. For example, the required lot sizes appear to be much bigger than when compared to the actual development pattern.

In either scenario, more specific language is needed to describe the character and purpose of the area and the patterns of development and types of uses desired. It seems to us that the nature of this area is realistically service commercial in support of the base and the tourist destinations. More thought needs to be given to the mix of



uses desired but the overall character of this area would benefit from standards that support a more compact development pattern to emerge over time.

1. There is no list of uses applicable to the NMDD in the Table of Permitted Uses. Rather it is addressed in narrative form within Section 6.10, but only in the most general terms (essentially uses that are consistent with the purpose of the district, and that are not detrimental to the “unique character of the area”. Similar to the WDD , there is nothing specifically mentioned about uses that could be encouraged along a waterfront area related to water-dependent uses. This is very subjective and leaves the determination to interpretation of town officials. This is not good from a developer perspective and creates inconsistencies in interpretation.
2. The uses that require a special permit are also vague since they are based on the “intensification of use” which is to mean any “additional” residential units, employment, customers, floor space, parking, etc. Technically speaking, that could be one. Thus, any single increase can trigger the need for a special permit and therefore an additional level of permitting and project review. As discussed above, consideration should be given to creating a list of uses applicable to this district.
3. The minimum lot size in NMDD is 200,000 SF, but there are provisions that allow for the size to be reduced to 40,000 SF. This could be a barrier to development. The Town should consider reducing the minimum lot size to match the lot sizes available for development instead of requiring such a large minimum, especially since it is already an option.
4. FAR bonuses should be considered as a means for incentivizing the desired development patterns.
5. The current Design Objectives are fairly vague using phrases like “high quality tourist service area” and “encourage architectural and site design which promotes aesthetic qualities” that offer no real road map for success and are open to interpretation. These should be specific not general. Consider providing design standards as incentives to achieve the character desired for this area. For example, an FAR bonus could be given for the creation of a public space.
6. Many of the development standards are more suburban oriented and don’t contribute to creating a sense of place. As mentioned earlier, larger setback requirements and lot size should be reconsidered and replaced with standards that typify development that is more compact.

## **6.12 Water Resource Protection District**

The Water Resource Protection District (WRPD) is designed to protect the Town’s existing and future water supply resources including stratified drift aquifers, surface



water reservoirs, and areas in which groundwater is the sole source for water supply. The WRPD has been established as an overlay district.

1. The Water Resource Protection District section should be reviewed and updated to ensure compliance with EPA's model guidance on surface water and/or groundwater protection, the Watershed Management Plan and local Utilities and Department of Health drinking water section recommendations. It is recommended that the section directly reference the Connecticut Stormwater Manual for water quality and quantity requirements.
2. Section 6.12-2 establishes the boundaries of the Water Resource Protection District. Clarification should be added to the section to indicate where these boundaries are defined (e.g. town GIS, Zoning map on-line, etc.).

To modify the boundary a Special Permit is needed. The Special Permit should require the burden of proof be upon the owners of the land to demonstrate where the boundaries of the district with respect to their individual parcels of land shows should be located. Their submission should show more detail as to what needs to be included in the map. The map should show:

- A. surveyed 2-foot contours and stormwater infrastructure (location of catch basins, manholes, culverts, inlets, etc.);
  - B. existing and proposed watershed delineations;
  - C. notes on any changes based on stormwater infrastructure; and
  - D. be stamped by a both a professional engineer and licensed professional surveyor.
3. This WRPD section should explain the process on how someone should submit a dispute on the boundary of the WRPD. The submission should include a paper copy of a map at 24"x 36" scale and a specified number of copies for review.
  4. It is recommended that town engineer or consultant engineer review and approve watershed changes on behalf of the board. The board may charge the owner/applicant for the cost of the review if a consultant engineer is engaged. If more information from the disputer is required for the review, then more information may be requested and/or a site visit to the area may be warranted. A schedule for review and a decision on the proposed boundary modification/change should be determined by the board.
  5. The WRPD does not distinguish between surface water reservoirs and areas in which groundwater is the sole source for water supply. The district is in just one area of the Town (we reviewed the WRPD data available on the Town website). Aquifer Protection Area data provided by the Connecticut DEEP was reviewed in GIS and it was determined that there are no aquifer protection areas within the Town of Groton so the WRPD should be noted that it focuses on protecting surfaces water reservoirs for drinking water supply. This section may wish to



reflect EPA's Model Surface Water Ordinance

(<http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>). This ordinance identifies the following non-permitted uses within such districts:

- A. Storage or production of hazardous materials as defined in either or both of the following:
    - a) Superfund Amendment and Reauthorization Act of 1986; and
    - b) Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987).
  - B. Disposal of hazardous materials or solid wastes;
  - C. Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this regulations;
  - D. Dry-cleaning, dyeing, printing, photo processing and any other business that stores, uses, or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous materials and have undergone an inspection to certify they are in compliance within hazardous material regulations;
  - E. Disposal of septage or septic sludge;
  - F. Automobile service stations;
  - G. Junkyards;
  - H. Other uses as specified by the (local government authority) as potential contaminating activities.
6. The Town should review the EPA list and compare it to the non-permitted uses currently included in the overlay section. Consideration should be given to including those not included. Consideration should also be given to re-grouping the non-permitted uses in a more organized fashion.
  7. The Town should consider including a new section on "Review Requirements for Development in the WRPD". The purpose of this section would be for the Town to receive an impact study during the submission of any new application for a building permit, zoning permit, or other land development proposal within the WRPD. The application would be reviewed to ensure that:
    - A. non-point source pollution is prevented to the maximum extent practicable;
    - B. management practices are in place to remove or neutralize pollutants to the surface waters;
    - C. sewage disposal systems are monitored, inspected, and maintained; and
    - D. businesses involved in potential contaminating activities which have received a special use permit must submit a spill control plan for approval.



8. The impact study would be performed or reviewed by a professional engineer and would include a description of the proposed project and its on-site processes or storage of materials, measures to reduce runoff rates both during construction and after, and proposed runoff control and reservoir protection measures. More details can be found at <http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>.
9. The Town may wish to include a new section on "Buffer Requirements". Stream and shore buffer widths vary from twenty feet to 200 feet in ordinances/regulations throughout the country. The purposes of this section is to protect streams and reservoirs through the conservation of natural vegetated buffers around the surface waters. More details can be found at <http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>.
10. Section 6.12-3.I combines medical offices and kennel facilities whose requirements do not overlap very well. The Town should consider separating them into two categories. Also the section should address minimizing fecal waste at outside runs and prohibit washing of animals (at least with soap products) in the outside areas.
11. In many parts of this section the regulations refer to periodic inspections being performed or structural items added to allow for inspection. The regulations should clearly establish the right of the Town to periodically inspect premises either during construction or at any time after commencement of operations. Section 6.12.5-B 6 indicates that a maintenance and inspection schedule of areas and structure may be required when applying for coverage. We would suggest that this be mandatory with an annual reporting period required.
12. Section 6.12.5-C discusses the design of stormwater management facilities for this zoning overlay. Instead of including specific treatment and design criteria, the section should refer to the Connecticut Stormwater Manual and Town-wide standards. By referring to the manual, the permittee will be required to meet the latest stormwater criteria and the regulation will be consistent with state requirements. It may be prudent to retain some items within this section since they go above and beyond the stormwater manual.
13. The Connecticut Stormwater Manual is not a regulatory document (See Section 1.4), but establishes guidelines. Adhering to the guidelines will ensure the stormwater management facilities are designed in compliance with the state regulations.
14. Additional clarification should be added to when an emergency spill contingency plan shall be provided such as when required by federal and state standards or hazardous waste is used, handled, or stored.



### 6.13 Mixed Use (MX) Zones

The existing MX Zone has not met its stated intent “to create compact, mixed-use environments, which are pedestrian in scale, and well integrated with surrounding uses”. We recommend that it be eliminated as a specific zone. The existing DDD zone would remain and a new Mixed Use Overlay would be created as an option coterminous with the DDD zone. The new overlay should be targeted to areas identified by the Town within the DDD as a focus for redevelopment, the nature of which would be vertical mixed use. The overlay should be clear in its stated objectives (i.e. buildings fronting the street, oriented around a square, pedestrian focused, etc.) and supported with appropriate density, dimensional and bulk and massing standards. It should however provide ways for potential developers to able to respond to unforeseen market changes. See Appendix D for an excellent example of a flexible Multiple Use Overlay District.

Specific recommendations for the MX zone:

1. Create a new Mixed Use Special Permit to replace the current MX Zone. Maintain the underlying zoning to minimize the potential of creating a lot of non-conforming uses.
2. For this overlay to appeal as an option to the underlying zoning process it needs to provide for a more streamlined development timeframe than what is currently available in the DDD through the application of a Special Mixed Use Permit.
3. Consistent with state statutes, we recommend the Twon create a combined Planning/ Zoning Commission to the Special Permit granting authority for all Mixed Use Special Permits. *Note: A combined Planning/Zoning Commission may also be considered particularly with respect to providing a more streamlined approach for permitting.*
4. For development under the Mixed Use Special Permit, allow for phased development but such phasing should provide anticipated timelines and anticipated construction schedules.
5. Require a pre-application conference with Town staff to review planning at a “sketch plan” level.
6. Provide for incentives such as FAR bonuses and shared parking where feasible.
7. Provide Design Standards that address desired character including: Context, Architectural Design, Visual Relief, Street Design, Pedestrian Design, Traffic and Circulation, Open Space and Public Amenity Areas, etc. These are intended as over-arching guidelines to better convey the Town’s goals relative to the desired mixed use environment and thus, should be supported with illustrative graphics and comparable imagery to replace the existing “cartooned” graphics in the current code.



8. Residential use above retail or office should be encouraged but not required. Consider a development bonus for the provision of affordable units.
9. The minimum lot size for consideration under this Special Permit should be 1 acre.
10. Specific regulations should focus on bulk and massing, building to building relationships and how proposed buildings relate to streets and public space. Setbacks should be minimal. Hardscape such as plaza area should be included to meet common area requirements so long as it is publically accessible.

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## Section 7: Supplementary Regulations

### 7.1 Conditional Uses

1. Consider relocating this section to follow the General Regulations Section. If the suggested changes to zoning classifications and simplifications recommended herein are to be incorporated, this section needs to be updated to reflect the new district designations.
2. This is a daunting list which raises the question as to whether some of these could become as of right uses with administrative approval subject to Site Plan review by staff. A few, such as Home Occupation, are currently administratively reviewed. We suggest that Staff work with the Zoning Commission to expand administrative review.
3. The section as currently organized is lengthy and not logically organized. Consider reorganizing by categories as follows:
  - A. Residential- Permanent and Temporary
    - Active Senior Housing
    - Accessory Apartments
    - Adult Day Care Facility
    - Boarding & Rooming Houses
    - Caretaker/Security Service Dwelling
    - Mobile Homes/Community
    - Motel/Hotel
    - Multi-Family Dwellings
    - Nursing Home
    - Residential Life Care
  - B. Retail and Service Related
    - Automobile washing
    - Auto Rental in DDD Zone
    - Community Residential Counseling Facility
    - Drive Thru Facilities
    - Drug Store Pickup Window



- Child/Group Day Care Facilities
  - Free Standing Large Scale Restaurants\*
  - Home Occupation
  - Ignition, Brake & Small Repair
  - Junk Salvage
  - Kennels
  - Large Scale Conference/Entertainment\*\*
  - Self Service Storage
  - Small Scale Personal Retail in OMF\*\*\*
- C. Office/Institutional Related
- Charitable/Philanthropic
  - Club, Lodge or Association
  - Educational
  - Historic/Institutional Reuse
  - Hospital
  - Professional Offices
- D. Recreation Related
- Bowling Alley & Other Indoor Recreation
  - Carnival/Fairs
  - Campground
  - Other Outdoor Commercial Recreation
- E. Other
- Cemetery
  - Contractor's Storage Yard
  - Farm, Commercial
  - Filling & Removing Earth Products
  - Keeping of Hens
  - Telephone and Telecommunication
  - Waste Handling/Reduction Facilities

\*This needs further clarification. Some metric should be established such that the burden of interpretation is left to the staff i.e. any free standing restaurant or dining facility greater than 7,500 SF.

\*\*Also needs clarification for the same reason. Conference facilities are typically tied to destination hotels and are larger footprint buildings (1-3 stories) which can vary greatly. We suggest tying the definition to the individual zones in which the facilities may be allowed such that the potential mass/bulk is appropriately scaled. The same would apply to large scale entertainment facilities such as movie theaters. In this case the parking demand has to be a consideration as well and could serve as the metric by which the scale is defined.

\*\*\*The OMF District will no longer exist under the recommendations herein.



4. Consider increasing lot coverage from 15% to 20% (7.1-8). This would allow for 1 acre of coverage on a 5 acre site.
5. 7.1-1 Residential Life care Communities- In recognition of changing demographic trends cited earlier, consider allowing higher densities for Residential Life Care. The current standards for minimum lot area per unit type necessitate larger tract sizes which pushes these projects to peripheral locations where larger tracts are typically more available. Seniors have expressed a strong desire to be closer in and adjacent to services, recreation and retail. Densities of 15-20 DU/Acre should be considered. In addition, there are many new “models” of senior living arrangements which should be researched to bring the terminology in line with today’s nomenclature.
6. 7.1-2 Campground- Is this section on campgrounds really needed?
7. 7.1-3 Carnival or Fair- As carnivals are typically transient events, could this be handled under a license authority rather than in the zoning regulations?
8. 7.1-4 Cemetery- This could simply be handled as an allowed use subject to site plan review.
9. 7.1-6 Contractor’s construction and Commercial Vehicles and Equipment Storage- This should be specified as a use that is only conditionally permitted in a residential district.
10. 7.1-7 Charitable and Philanthropic Institution- Remove from the conditional use category and allow as of right with site plan review by staff.
11. 7.1-8 Elementary and Secondary School, Colleg and University- This should be researched to determine if such uses are exempt from local bylaws and subject only to a reasonable level of site plan review. The minimum lot area of 5 acres or 1000 square feet per student seems excessive as is the lot coverage of 15%. Unless the purpose is to push these uses to the peripheral part of town, trends towards smaller lot size and adjacency to minimize traffic trips should be given due consideration.
12. 7.1-9 Commercial Farm or Nursery- This could be subject to simple site plan review but again, the metrics seem excessive. The current 5 acre minimum lot area required does not take into consideration CSA’s (community farms that distribute their products by selling shares) which can operate on a much smaller scale. *Note: The current Definitions Section provides no definition for commercial farming or agriculture though the Table of Permitted Uses does mention agriculture as a permitted use. The State General Statutes Section 1-1 (q) defines agriculture, forestry, viniculture, etc by the type of activity, not by precise acreage, revenue or other quantitative measures. As regards “non commercial” farms, this could be a broad list of potential situations and rather than over regulate, we suggest these could be handled under the health regulations of the Town.*



13. 7.1-10 Filling and Removing Earth Products- This section should be reviewed to ensure that it is consistent with contemporary standards and practices.
14. 7.1-11 Home Occupation- The issue of home occupation is relevant to the trends articulated earlier in this audit and many towns are encouraging it as a means of reducing traffic demand and addressing community live/work/play goals. This is currently handled administratively and should continue in this manner.
15. 7.1-12 Hospital- There have been many advances in medical care since this section was written...clinics, multiple use medical campuses etc. so some this section should address this contemporary solution and should be broken down accordingly. Hospitals per se could continue to be a conditional use but other forms of medical care could be handled under the site plan review process.
16. 7.1-14 Kennel or Stable- Riding stables may be classified differently by the state and may fall within the agricultural category. This could be treated within the Table of Permitted Uses. Connecticut law is specific about providing standards if it is to remain as a conditional use.
17. 7.1-16 Multi-family Dwellings- It is not clear why this is here and not handled under the district categories with fine-tuning as to specific housing type.
18. 7.1-17 Nightclub, Disco or cabaret- As these uses are already subject to review for licensing food and alcohol, remove as a conditional use and consider two levels of review: where such a use is occupying an existing building allow with site plan review. Proposals for new operations would still be considered as a conditional use. In any case, the use should be allowed in the industrial districts.
19. 7.1-18 Child Day Care center These could be removed as conditional with site plan review approval instead.
20. 7.1-20 One and Two family Dwellings and Boarding or Rooming Houses and Active senior Housing- Active senior housing should be in a separate category.
21. 7.1-21 Professional Offices- Why is this allowed in the RU district?
22. 7.1-22 Telephone Exchange Stations and Electric Transformer Stations- Does this reflect public utility exemptions? Could such uses be considered as accessory? The section should be consistent with contemporary nomenclature and standards.
23. 7.1-24 Office and Similar Uses- We have recommended removing the OMF as a district so this section would no longer be relevant.
24. 7.1-25 Ignition, Brake, Muffler and Similar Limited Repair- "Limited repair" is ambiguous. It would be better to state "vehicular repair as described herein".
25. 7.1-27 Other Outdoor Commercial Recreation- There needs to be a more definitive description of what Outdoor Recreation is.
26. 7.1-28 Executive Motel/Hotel Suites- As this category is differentiated from other overnight stay facilities the duration of occupancy should be given.



27. 7.1-29 Bowling Alley or Other Indoor Recreation- As traffic for this use is typically off-peak, consideration could be given to removal as a conditional use and put into the required site plan review category.
28. 7.1-31 Hotel/Motel Accessory Uses- The Industrial Mixed Use Permit we have suggested, if utilized, could supersede this.
29. 7.1-32 Group Daycare Home- There are categories of Group Day care which need to be addressed. Privately run, in-home proposals could be handled through site plan review and not a conditional use. Larger commercial operations such as Kindercare for example would remain as a conditional use.
30. 7.1-33 Waste Handling/Reduction Facilities- This section should be reviewed and updated to reflect contemporary nomenclature and standards as well as newer technologies such as biomass and trash-to-energy plants.
31. 7.1-34 Accessory Apartments- As these typically fall within the category of “in-law” apartments, are consistent with trends for live/work/play proximity and generate little or no increased traffic, they shouldn’t be over regulated. They are currently handled by administrative site plan review. We suggest that the metric of 600 square feet of maximum floor area should be increased to 800 and 30% of of the principle dwelling and handled under site plan review.
32. 7.1-35 Adult Daycare Facility- Why differentiate between group and adult day care?
33. 7.1-36 Drive Through facilities- Specific types of drive-thru facilities should be differentiated.
34. 7.1-37 Community Residential Counseling Facility- As many of these facilities are occupy existing older buildings that may date from a time when lot sizes were smaller, limiting minimum lot size and square feet per unit seems too restrictive.
35. 7.1-38 Historic/Institutional Reuse- It is not clear what constitutes historic status...is this by National, State or local designation? Does it apply townwide or is it limited to certain districts?
36. 7.1-40 Freestanding Large Scale Restaurants- The term “large scale” needs definition or it should be removed. Why limit them to the IPA zone? Restaurants of this type typically are in the 12,000-15,000 square foot range and are locationally tied to larger traffic volumes and are thus drawn to commercial zones.
37. 7.1-41 Telecommunication Towers, Antennae, and Facilities- Check to make sure this is consistent with the latest FCC act and amendments.
38. 7.1-42 Large-scale Conference/Entertainment Facilities- Define “Large scale” or eliminate the term.
39. 7.1-43 Auto Rental in Downtown Redevelopment District- Given the extreme minimum lot size it would appear that this is not a desired use in this district. As



auto rental can operate on a much smaller lot, consider reducing the minimum (1 acre) or making it a prohibited use.

40. 7.1-44 Drug Store Pick-up Windows/ Facilities- This could be eliminated by folding it into the Drive-thru section (7.1-36).
41. 7.1-45 Active Senior Housing- The minimum lot area should be reduced...consider using 10 acres as the metric. Just a general comment with regard to setbacks...7.1-45F proscribes a 75' setback from a property line. We think setback language throughout the ordinance should be written such that other mitigating conditions such as topography, existing dense vegetation and walls can be taken onto consideration in determining appropriate setback distance.

## 7.2 Parking

The two main issues with the parking regulations are the inconsistency in terminology used in the regulations, especially in the parking section and the Table of Permitted Uses, and the need to update the parking standards themselves, some of which are over 25 years old. This will be of particular importance in the districts where mixed use is a goal, the DDD in particular. The ability to apply shared parking standards can serve as an incentive to a potential developer in mixed use developments. Standards for shared parking are available from the Urban Land Institute in its "Shared Parking" publication.

1. Parking spaces specified under 7.2.3 should be reviewed for consistency with the Table of Permitted Uses and the formulas for minimum parking space requirements. Overall the base parking ratios are a little high, but not too bad, especially for new, standalone developments. The focus should be on making the requirements simpler for existing properties that may be developed or have a change of use, particularly those in mixed-use business districts.
2. Some of the uses can be combined to have the same minimum parking requirements (i.e. office and financial, bars and restaurant). This makes it simpler for a change of use.
3. The minimum parking requirements could be relaxed for smaller properties, or for core business districts that are fully developed. This could include requiring only parking for employees for businesses up to a certain size or providing reduced requirements for upper level commercial space. There are some existing provisions related to this issue, and we offer the following comments.
  - A. The DDD allows a 10% reduction in parking requirements and it is recommend that it be by-right rather than by special permit. Note that in the recommended future amended DDD, there would be no need for this kind of provision because the underlying zoning would be more precisely configured



to what the actual development pattern is: highway commercial. Flexible parking requirements for a more compact development pattern might be more logically placed in the new Downtown Overlay District, where a very different development pattern would be encouraged.

- B. In the WDD, a special permit is required for a change of use that requires 5 or more additional parking spaces, but it appears that a waiver of fewer than 5 parking spaces is still required under 6.3-4 (H). The waiver of providing fewer than 5 additional parking spaces should be by right.
  - C. We understand that “the 5/8ths rule” is often used for calculating waivers in the WDD for commercial properties. Such a magnitude of reduction is in line with that provided by zoning provisions of municipalities with similar areas and objectives. If the 5/8th rule is commonly and routinely used in waiver calculations, it should be codified as such.
4. One provision that appears to be missing is how parking requirements apply to a change of use/expansion of property that doesn't currently meet parking requirements. Often, they are only required to provide the additional increment of parking spaces rather than make the entire property compliant regarding parking.
  5. There is currently nothing about parking requirements for seasonal outdoor seating. Up to a certain size, it should be allowed without additional parking requirements.
  6. Parking space requirement listed under 7.2-3 (A through Y) should be put into a chart.
  7. The Town should consider making the shared parking section (7.2-6) more usable by including a simple shared parking reduction formula by right, with further reductions by permit.
  8. The required width of the parking spaces specified under 7.2-7 should be reviewed. The 9 foot requirement is appropriate for high turnover visitor/customer parking, but 8.5 feet would be appropriate for other uses.
  9. The truck loading requirements specified under 7.2-15 should be reviewed to see if it should apply only to locations regularly serviced by tractor-trailer trucks, rather than smaller trucks.
  10. The Phased Parking Development section (7.2-16) should allow for other uses on the “reserve spaces” after it is proven that they are not needed (i.e. after three years).
  11. The parking standards should be reorganized into land use types that follow the way the Table of Permitted Uses is organized and the terminology should be consistent.



12. Consideration should be given to demographic trends in amending the parking standards relative to residential uses. For example, statistics show that millennials have fewer cars which will have an impact on apartment developments. Seniors interested in downsizing and moving into a more walkable “Town Center” may also justify a lower required parking ratio.

### 7.3 Sign Regulations

1. If the recommended changes to the zoning classifications are to be implemented(Sec3.1), this section will need to be updated to reflect the new district designations.
2. Consider adding a simple table to this section that lists the types of signs in the first column, the permit required in a second column, and the granting agency in the third column. This table could also indicate where no permit is required as well.
3. Review existing to ensure content neutrality in this section.
4. Consider adding a definition sections with graphic illustrations for each type of signage:
  - A. Projecting Signs
  - B. Wall Signs
  - C. Ground Signs
  - D. Accessory Signs
  - E. Canopy Signs
5. Revise Special Large Building Signage Provisions (7.3-10) to read as follows:
  - A. The purpose of this section is to enable the Zoning Board to consider allowing additional wall signage for large scale commercial businesses beyond that which is already specified in this ordinance if the following conditions are met:
    - a) The building footprint exceeds or is equal to 50,000 SF;
    - b) The building is located in the C, DDD or I ZONE
    - c) The façade where the sign is to be located and which is occupied by the business in question must be 250’ or greater.
    - d) The building is located on a major arterial.
    - e) Consider limiting business identification signage to one sign per street frontage to reduce sign proliferation.



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## Section 8: Administration and Enforcement

### 8.3.1 Purpose and Authority

1. Groton has a separate Zoning Commission from the Planning Commission (although many CT municipalities combine them into a single body). There is also a separate Zoning Board of Appeals, largely for variances. Zoning Commissions appear to be charged with granting special permits, as per state law, while the Planning Commission seems to be charged with subdivision control and site plan review, as well as long range planning and other duties. The Planning Department provides professional support for the two Commissions, thus creating a direct connection. It is recommended that the Town study the feasibility of combining the Planning and Zoning Commission, instead of having two separate boards. Perhaps the weight of tradition and vesting in the two separate bodies would make this an unlikely occurrence politically, but a single board could help to streamline permitting processes, instead of fragmenting them.

### 8.3-2 G. Applications

1. Lighting specifications and photometric diagrams need to be added to this list.

### 8.3-8 Special Permit Criteria

1. The purpose and authority paragraph gives no specific indication of where Special Permits may apply referring only to "Certain classes of buildings, structures or uses of land may only be appropriate in particular locations or didtricts based on how their attributes relate to specific locations." Rather than begin with such an unclear statement this should be eliminated. Earlier in Section 5, we suggested changes to the Table of Permitted Uses that would provide a clear nomenclature including adding an SP to theTable of Permitted Uses to indicate where special permits would be required. A reference back to the Table of Permitted Uses would be appropriate here in this paragraph.
2. 8.3-8 Special Permit Criteria- The standards as listed are general and broad based. An additional statement should be added to indicate that the Commission may also consider more advanced concepts related to applications such as low impact development, alternative energy, and mixed use when applicable.

### 8.3.9 Commission Action

1. This could be a section where the possibility of some streamlined permitting is inserted, at the very least for a combined technical review and hearing process, with an outside end date. This could be particularly helpful in a special district



where a special permit is involved, or in open space subdivisions. Inland wetlands also could be incorporated into the process.

2. We have, with this audit, suggested creating threshold levels of site plan review whereby “straight forward” submittals could be approved at the administrative level which would address the issue of streamlining to some degree. What follows is a summary of how other municipalities have addressed this issue:
  - A. Designate a single point of contact for all land use related permitting. More often, this falls to the Planning Director and his staff but Connecticut law would allow this to be under the Building/Zoning official as well.
  - B. Set an outside time limit for completing all land use permitting. This would encompass statutory time limits for various permits, but establish a reasonable upset limit for the whole regulatory process. If this limit were less than that which is already set it would serve as an incentive for developers and could be used to stimulate development.
  - C. By mutual agreement of the Applicant and the Director, provide for the possibility of concurrent hearings where feasible, especially where special permits, site plan review, and wetlands (inland) are involved. This can potentially reduce process time for applicants, saving money and headaches.
  - D. Again by mutual agreement between the Director and the Applicant, provide for the possibility of concurrent application packages to avoid duplication of materials, effort and production.
  - E. Encourage pre-application processes with Applicants and Boards.

#### 8.4 Site Plan Review and Approval

The whole section, even with Coastal Site Plan Review (CSP) could be much shorter. The “trigger” for this process could be more clearly stated as in the following example:

*“The requirements of this section shall be applicable to the following:*

- 1. Any nonresidential development that results in an increase in on-site parking.
- 2. All modifications to existing development projects which fall within the applicability of the town’s regulations for parking and loading or landscaping.
- 3. Any change in use or reactivation of a facility that has not been in use for a period of two years.
- 4. Multi family housing for the elderly.”

1. Consider creating thresholds for the site plan review process based on stated levels of development intensity. For example, two levels could be established- Minor and Major Site Plan Review. Minor review would address new development or expansion (excluding single or two-family dwellings) that results in less than 2000 square feet of floor area or that results in the addition of fewer than 20 parking spaces. This approval could be given at the staff level or a Site



Plan Review Committee could be created representing members of key departments within the town for review and approvals for projects in this category. Major Site Plan Review would then be anything above these thresholds to be reviewed as currently handled in the Zoning Ordinance.

2. The Administrative CSP is good; perhaps a timeline that is less than that of the 65 days for the full Commission would be helpful and a small streamlining step for the process.
3. Submission requirements need to be updated to allow for digital submission and PDF's of the full package with the application.

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## SUBDIVISION REGULATIONS AUDIT

VHB reviewed the Subdivision Regulations to identify inconsistencies and opportunities to improve or streamline process as well as to identify the need for updating the regulations to be consistent with contemporary tools, techniques and trends. The movement towards creating streets that are safe for all users -pedestrians, bikes and automobiles- called Complete Streets, addresses the need for towns to manage streets and traffic more effectively. The demographic trends discussed earlier in this report point to potential impacts on street design, both new streets as well the adaptation of existing streets, as towns adapt to the needs of aging citizenry as well as those in the Millennial cohort. Among these needs are increased sidewalks and sidewalk area particularly within mixed-use developments, the provision of inter-connected streets and the provision of additional pedestrian crossings in areas anticipating increased development.

Recommendations are offered consistent with the goal of improving the understanding of of the overall intent of the regulations to improve user experience. It should be noted that, given recent case law changes (Buttermilk Farms, LLC v. Planning and Zoning Commission of the Town of Plymouth), the regulations should be reviewed by the Town Attorney to ensure consistency with the rulings in these cases as well as to be consistent with all current State Statutes related to the subdivision of land.

Finally, thought should also be given to providing a more streamlined approval process where conservation or open space subdivisions or other creative solutions to residential layout are encouraged.

Following are recommendations pertaining to the Town's Subdivision Regulations:

1. Section 2 – Application/Approval Process, Sub-section 2.3 - Add provision for mutually-agreed-upon written extension of the 65 day completion window.



2. Section 2 – Application/Approval Process, Sub-section 2.3 Subdivision Plan (7) - Require plan sets to be submitted in all cases with a PDF; this allows easy 11 “x 17” photocopying. Require full 24” x 36” paper copies as needed, plus mylars to be signed
3. Section 3 – Specifications for Submission Documents, Sub-section 3.1 Final Plan - A registered surveyor is the minimum qualification for plan preparation. This is obsolete and inadequate for a final plan set (sketch plans are ok with a surveyor).
4. Section 3 – Specifications for Submission Documents, Sub-section 3.4 Digital Data - Software references in several instances are old and obsolete; replace with a more generic description of CADD software that will not become out of date when versions change or new products are used.
5. Section 4 – Requirements for Improvements, Reservations, Design Sub-sections 4.1, 4.2, 4.3, 4.4, 4.7, 4.10 (General, Lot Improvements, Streets, Drainage, Sidewalks, Utilities/Lighting, Parks/Playgrounds, Natural Features, Non-residential Subdivisions):
  - A. Development-free area in 4.1, #7: if the Town is going to require special buffers, it is not just protecting the man-made facility but protecting the subdivision, in some instances; amend text accordingly.
  - B. Add “cut-to” line in 4.2 or 4.10 and/or 4.11: this is the concept of designating an enforceable, recorded tree-cutting limit, wherever possible, to preserve viable or mature stands of trees and/or forest cover.
  - C. Street Classification: 4.3 throughout sub-section, plus Table I—substitute for the existing, minimal street classifications in the Regulations a more modern and broader street classification from AASHTO/DOT Functional Classification System. This must also be coordinated to be consistent with Road and Drainage Standards and the the Towns’ Plan of Conservation and Development.
  - D. In 4.4, insert a Low Impact Development option for providing at least part of the total design to include those recharge techniques, especially with rain gardens, bio-vegetated swales. Consider making it mandatory to at least consider them.
  - E. In 4.7, sidewalks on both sides could be excessive for non-residential subdivisions and an unneeded cost. Street trees can still be on both sides, at least on major public ways or industrial interior drives, placed in planting strips without a sidewalk.
  - F. In 4.10.2.b: List could be expanded to include native maples, ash, other oaks, and linden.
  - G. In 4.11: Non-residential Subdivisions, several of the items in the list immediately above for Section 4 could be incorporated in 4.11, as an option



and in abbreviated form, to make requirements clearer to non-residential developers

6. Recognizing the impacts of changing demographics, particularly with regard to seniors and retiring “boomers”, consideration should be given to incorporate principles of “complete streets” into the revised document to address the needs of pedestrians, public transportation and bicycles. The Town should consider creating a separate document as a supplement to the regulations that provides an illustrative view in cross sections of the standards as applied to the hierarchy of streets.

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## NEXT STEPS

Given the daunting task of re-writing the Town’s zoning regulations, it would be tempting for the Town to proceed on a piece-meal basis, addressing the issues identified in this audit individually as time and budget allow. Recognizing that the problem with the current zoning is due in large part to incremental changes that have been made over time, we recommend against such an approach. We do, however, understand that public sector priorities may need to shift to meet other unforeseen problems. That said, we recommend that the Town craft a series of targeted changes to address town-wide economic development priorities first. Staff, as time is available, can begin to make necessary changes/updates in wording, terminology, etc.

The Town should focus on quality, establishing a high bar to set an example for future actions as well as to address the lethargy that may remain from reliance on past successes. This translates into choosing small projects (less is more) that are achievable and which demonstrate a commitment to high quality design rather than reaching too broadly.

As to furthering the Town’s economic development goals, we recommend the following priority actions:

### Priority One Actions

- Target areas identified by the Town into short- to mid-term opportunities for economic revitalization by eliminating the Mixed use (MX) District as currently written and create a new Mixed Use Special Permit overlay. See Appendix E for an example of an Industrial Mixed Use Overlay that may be applicable to the airport industrial area in particular.
- Initiate a master plan for the Route 1 corridor to help understand what is on the ground (including existing rent structure) in terms of future metrics for the Mixed Use Special Permit overlay for the DDD. Consider a “public-



private” partnership approach to get a mixed-use “demonstration project” underway along the Route 1 corridor. The Town should also pursue the applicability of using Tax Increment Financing (TIF) to spur and direct redevelopment in the corridor.

- Simplify the existing Table of Permitted Uses and condense to a much smaller table.
- Amend the Definitions Section to reflect contemporary terminology.
- Create a “developers handbook” to assist potential developers negotiate the approval process. Add illustrations to the developer’s handbook to help clarify design intent. This is particularly important in the WDD but applies to other sections as well.
- Enhance the Town’s ability to use technology in communicating and administrating its land use regulations including website, data/email storage and ability to do on-line permitting.

#### **Priority Two Actions**

- Conduct land use studies in a representative cross-sampling of the built industrial environment to better understand development characteristics (actual floor area, lot sizes, and lot coverage, parking quantities) and compare them to the zoning requirements. This will enable the Town to have a factual/quantitative baseline for making adjustments to dimensional and density requirements in the zoning regulations. Such analysis is need before industrial or commercial zoning metrics are changed.
- Consider creating a process whereby the Planning Commission, Inland Wetlands, Coastal Management and Zoning Board of Appeals (as applicable) can hold joint hearings, which would mean just one set of advertising, public notice and abutter notice, as well as one technical review by staff (and/or outside consultants). The individual boards would then deliberate to write and approve individual decisions. The joint-concurrent hearing process can help to streamline permitting, shorten the time frame and save the developer and even the municipality some time and money.



### Priority Three Actions

- Recognizing the emerging expansion pressures in the Waterfront Design District, conduct a staff level planning study for the WDD to better understand the scale of this historic district including existing patterns of lot size, building coverage, setbacks and yards, building height and FAR's. The study can be used to inform the creation of guidelines for new development types in expanding areas. The results may also be brought into a "pattern book" which can provide a visualization of the development goals for the area and will also serve to ease perceptions from existing neighbors.
- If there is interest in maintaining the NMDD as a "special" district and targeting new development, consider removing some of the barriers to development that currently exist such as the minimum lot area, and larger, suburban patterned setbacks to bring more into conformance with the type of development that is on the ground and which can contribute to creating a stronger identity and sense of place for the area.



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## APPENDICES

- A. Acknowledgements
- B. Summary of Stakeholder Interviews
- C. Development Review Process
- D. Streamlined Table of Permitted Uses (Westborough, MA)
- E. Streamlined Approval Process and Board Consolidation (Devens, MA)
- F. Massachusetts 43D Process
- G. Flexible Multiple Use Overlay District (Westwood, MA)
- H. Industrial Mixed Use Overlay (Bedford, MA)
- I. Suggested Zoning Bylaw Organization (Westborough, MA)
- J. Best Practices
- K. Development Incentives



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**A. Acknowledgements**

## **Acknowledgements**

### **TOWN OF GROTON, CT**

#### Town Council

Bruce S. Flax, Mayor  
Dean G. Antipas  
Diane Barber  
Joe de la Cruz  
Gregory Grim  
Karen F. Morton  
Bonnie Nault  
Deborah L. Peruzzotti  
Harry A. Watson

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Clint Brown	Mark Bussolotti	Susan Bailey
Dan Meiser	Matt McCormack	Susan Dowling
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**B. Summary of Stakeholder Interviews**



Place: 134 Groton Long Point Road,  
Groton, CT

## Meeting Notes

Date: May 27, 2015

Notes Taken by: Ken Schwartz (VHB)  
Bob Ballou (VHB)  
Robert Camoin (Camoin Associates)  
Christa Franzl (Camoin Associates)  
Jim Damicis (Camoin Associates)

Project #: 13081.00

Re: Town of Groton, CT  
Town Council Legislative Policy Initiative to Increase  
Revenues - Regulatory Review and Market Analysis  
Stakeholder Interviews

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### **ATTENDEES**

See attached

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Following are notes from interviews that were conducted on May 27, 2015 with individuals representing a broad spectrum of the Town of Groton (see attached for the schedule and list of individuals who were interviewed).

The purpose of the interviews was to help understand the needs, issues and objectives as they relate to land use regulations within the Town. The interviews raised a number of key issues and priorities relative to the existing zoning code and subdivision regulations that will be addressed as part of the audit.

### **Recurrent Themes**

- The Town's current land use regulations are cumbersome, outdated and inconsistent. The regulations "get in the way" and hinder the Town's ability to attract new development. The Town needs new, modern standards in a form that is easy to understand and use.
- Groton has numerous assets including prime waterfront location, excellent regional access (highway, ferry, airport), good schools, quality parks, numerous museums, and great destinations including Mystic Center and Bluff Point but it has not been successful in promoting itself.
- The Town Council is interested in increasing land value and tax revenue in Groton and using zoning to facilitate economic development.
- The Town is losing out to other coastal communities in attracting economic development. This is attributed to its past reputation as a difficult place to do business in combination with the archaic codes/ review process.
- Separate committees/commissions create complexities. Opportunities to streamline the review process and reduce and/or simplify the number of zones should be explored.
- Past successes (Pfizer & Electric Boat) have resulted in complacency and general sense that "we don't know how to promote ourselves".

- There is confusion created by the Town/City of Groton situation. Multiple jurisdictions and districts creates redundancy of functions and operations (zoning, public works departments, police departments, fire districts, multiple commissions, etc.).
- Kudos to the Town's current planning and economic development staff. Their "can do" attitude is changing the environment with respect to working with the development community and facilitating development opportunities.

**Staff Review Team:**

1. Groton staff participates in a staff review process for development projects. This occurs 2 weeks prior to committee public meetings. Staff review includes planning, fire, public works and any other staff where review/expertise is needed depending on the project. This involves meeting with the developer to go over the project and discuss questions and concerns.
2. There is no specified time period for which staff review is slated to take – generally takes 2-3 weeks.
3. Staff have experienced development request increasing in recent years.
4. However not much new residential development (particularly in subdivisions or larger scale residential projects). Residential development that has occurred has mostly been spot housing.
5. Pfizer growth created supply demand and supply for housing in past for more expensive homes – now with cutbacks at Pfizer and in the economy many are for sale.
6. Electric Boat is expanding including new hires which will bring new demand – already being seen in the expansion of EB to the old Caldor building.
7. Issue in town related to planning and development – areas not served by sewer and water but are zoned for commercial development.
8. What has been feedback from developers on the process? Mostly concerns over the regulations, complexity/length/inconsistencies of the ordinances and structure not over service. Staff feels that service is a strength of Groton.
9. There is no formalized feedback system for applicants (customers) of the process - no survey or interview feedback system to evaluate process.
10. Problems with existing zoning:
  - a. Many different jurisdictions/districts that have impact on/say over process: multiple fire departments, public work departments, commissions, committees. Sometimes use of multiple commissions (planning and zoning) creates too many layers. Also related is the need to get "special permits".
  - b. Very difficult for staff to navigate zoning regulations and land-use tables.
  - c. Developers that hire local specialists to assist them and navigate the process fare OK but if you are not familiar with Groton's regulations, structure, and process it could be very difficult for businesses/developers.
  - d. Overlay district developed in 1987 – out of date.

- e. Zones no longer make sense – too confusing and/or inconsistent.
  - f. Lack of clear purpose to zones.
  - g. Existing zoning is the result of piecemeal work done over time (“duct tape zoning”).
  - h. Parking standards are way outdated – also downtown parking regulations are an issue.
  - i. Very little bike and pedestrian amenities build into planning and permits process.
  - j. Hard to find and utilize zoning map on-line.
  - k. All major roadways are state roadways which makes town constrained over what it can impact.
11. Are you losing business because of these problems? YES
12. What works?
- a. Staff and customer service – staff has figured out how to make it work – staff is easy to reach and responsive to applicants.
13. How does Groton compare to nearby communities in terms of planning and zoning and development process?
- a. Similar to Waterford in terms of size of staff and review process.
  - b. Different than Ledgeyard which is rural and mostly housing.
14. Groton is working on “Guide to Development Process” which provides an overview to help guide applicants – not yet finished.
15. Town has a permit tracking system for use internally but not for applicants and/or public - Town is currently going through a complete review of IT systems – would like online permitting and tracking.
16. GIS – would like waterlines on GIS but is controlled by separate districts/company and unable to get from them. Do have sewer. Town has health regulations regarding waterline access but data is not easily available from water co. /districts.
17. Subdivision regulations – Town has done some work on update but still has a way to go – has not gone far enough with design and road standards and consistency of zoning.
18. Home-based businesses is an issue – likely too restrictive.
19. In-law apartment regulations are too restrictive.
20. Is there an opportunity to move some commission/board approval to staff approval? – Yes more can be done.
21. Town is well served by broadband choices: Xfinity and Thomas Valley (both cable)

### **Small Businesses and Developers**

- 1. “People avoid Groton like the plague”.
- 2. Regulations are complex and confusing and the overlay district approach hasn’t worked because there is no clear baseline. The current regulations hinder development and are not supportive of economic development.
- 3. Condo market is weak at this time and other development opportunities have gone to towns in the region do to Groton’s reputation.

4. Health inspector process and historic commission were singled out as being particularly difficult to work with.
5. "Too many commissions".
6. Current planning and economic development staff is supportive and has a "can do" attitude. This wasn't true in the past.
7. It would be helpful to have a designated staff person to "quarterback" projects through the approval process to keep things moving in a timely manner. This in combination with some form of expedited process would be welcome.
8. Need to rethink parking philosophy/standards...we are being asked to provide for the "100 year storm".
9. The "parking problem" in Mystic is perceived and not actual in terms of availability of space...people don't want to have to walk. We don't need a parking requirement in Mystic center.
10. Problems with employees taking much of the on-street availability in Mystic.
11. Downtown Mystic businesses are primarily family owned, few vacant storefronts recently, which is different (typically they are full).
12. Very little investment recently in downtown core; however, there is little developable land or sites that can accommodate investment.

### **Regional Entities**

1. "It is not easy to do business here".
2. "Clear up the regulations" ...it affects the ability to market Groton.
3. Developing an approval process that can run in parallel paths would be a huge improvement to how things are currently reviewed.
4. There are significant strengths and advantages for development in Groton but reputation is terrible- too many impediments to development.
5. Groton is well suited in terms of utilities to compete in the northeast for new development...ample capacity to support growth. Very competitive rates; typically lower than others.
6. All Navy housing is owned and operated by Balfour Beatty.
7. There is a lot of constrained land in Groton...water resource areas, I-95 corridor, RR rights-of-way.
8. Groton is losing development to other coastal towns and to Rhode Island. Groton needs to engage the region in a positive way. For example, Stonington and Norwich have recently updated their processes.
9. A mixed-use development on the former State Hospital site in Preston could take a lot of development potential away from Groton.
10. Airport is underutilized. Tax abatement program is in legislature awaiting approval which will support an airport development zone.
11. "The river is the brand" and we should build upon Thames River Heritage Park, the planned water taxi and other tourist related initiatives to spur development opportunities. Mystic is also a great brand for the

region – fewer ingrained perceptions using the term “Mystic” than “Groton” or others. Greater Mystic is used.

12. We should take advantage of “supply chain” opportunities for new development that grow out of the Electric Boat contracts.
13. Groton has a strong workforce.
14. Regional ED entity would have no problem selling Groton if internal process/issues are mitigated and perception is changed.
15. Our goal should be to create an environment that supports/encourages development while ensuring the protection of Groton values and unique qualities and resources.

### **Planners**

1. The planning staff serve as “ombudsmen” steering people through complex process as opposed to doing “real” planning - There are many “hoops, complexities and not convinced they are achieving what was desired or what needs to come out of system.
2. Separate committees create unnecessary complexity – if you are not a professional planner/engineer/architect it is near impossible to get hands around process and get through it. Creates frustration.
3. Our regulations are “Euclidian” not “performance-based” – people should have opportunity to be creative.
4. Can take 6-9 months for a simple hot dog stand to get permit – by then it is too late to do business.
5. Staff approval vs Commission approval: there will be pushback to move more items to staff approval but there are opportunities to streamline the process – the group indicated they would jot down ideas and send to VHB.
6. Home-based business regulations are viewed as too tight/restrictive.
7. What changes would you make to the existing code?
  - a. Open-up to allow more home-based occupations including allowing more clients per week for businesses.
  - b. Residential life-care facilities – too many processes and sections the create confusion and loop holes.
  - c. Accessory apartments – too many calculations to get to simple solutions – doesn’t need to be that complicated.
  - d. Reduce/simplify number of zones.
  - e. Reduce number of district use descriptions.
  - f. Create more opportunities for mixed-use.
  - g. Put the code on-line with navigational functionality – more user-friendly code.
8. The Mckensey Decision (spelling?) in CT reduced discretion of planning and zoning commissions and therefore more variance are now required.

9. Groton was settled as a whole series of villages with no Town center. In recent past attempts were to create a center but now has moved focus towards planning for multiple villages i.e. Old Mystic.
10. Groton is currently on updating its Plan of Conservation Development. Town will get to VHB along with comments. VHB noted that it will be important to make sure the POCD is being coordinated with the zoning audit work.
11. Ken Schwartz (VHB) went through initial the team's initial observations regarding the zoning and subdivision. There was agreement among participants that those observations were on target.
12. Codes/ordinances need to be updated to reflect needs for resiliency regarding climate change impacts – water is everywhere in Groton – surrounded on three sides – right now codes are silent on it.
13. Starting to see much more recreational components to Town activity – there is ore focus on t both in terms of parks, trails, town activities but also business activities.
14. Data on where people live vs work – needed for Electric Boat, Navy Base, Pfizer. Town will request.

#### **Elected Officials**

1. Additional notes provided by the Town are attached.
2. Ken Schwartz (VHB) described the purpose of the stakeholder interviews and what the objectives are re: the land use regulation audit.
3. Rob Camoin (Camoin Associates) stated: “if you had \$1 to spend on economic development, where would you spend it?”
4. Today's interviews are focused on zoning; follow up interviews will be conducted on the market analysis.
5. The Council is interested in increasing land values. Using zoning to generate economic development
6. Town also need to protect the environment. Have a strong open space preservation group.
7. The Code needs to be user friendly.
8. Described a recent hassle that a condo owner had requesting a simple 6 foot extension to their deck.
9. Hearing complaints from developers that Town is harder than most communities.
10. Specific areas of the zoning that need to be addressed:
  - They have a reservoir that needs protection
  - They have multiple districts but not all within their control
  - Multiple fire marshals that have varying interpretations of building permit regulations
  - Would like a built in process for updates (i.e. every year or two required updates)
11. Last updated in 1978/79 when there was a desire to fight off development. Code used by planners to keep door open.
12. Ken Schwartz (VHB) noted that new innovative parking regulations are now being used.
13. Council members want to see less signage. Stated that compared to most other communities they believe their signs are permissive
14. What sites in Town are focused priority development sites? Where should investment occur?
  - Airport

- Rt. 184
  - Long Hill Road – redevelopment of older retail plaza
  - Thames Street – location of Coast Guard Museum across the water
  - Sewer installation referendum was voted down. Location of 60 businesses that are not served by water and sewer
15. How would they characterize the residential market?
- 50% is multi-family
  - Had a number of multi-family projects prior to recession, but no housing activity since for wither single or multi-family
16. Retail – Regional mall was built in the 1980’s in Waterford and Casino developed new retail. Not much retail activity going on in Groton now
- Retail buildings are older
  - Not good anchors
17. Town Manager believes they have very permissive regulations downtown
18. Town has a supply of approximately 1,800 hotel rooms. Marriott is very nice.
19. Ken Schwartz (VHB) asked what the Council members wanted to make sure the project addresses at completion.
- Initiatives to increase land value and revenue – they lost a lot of tax revenue through Phizer’s downsizing.
  - Want to make Groton a good place for investment and living. Want to maintain what they have.
  - Industrial parks that are utilized better. Have waterfront, State Park, airport and passenger rail service that you would think would help.
  - Keep Groton affordable.
20. Town ranks 146<sup>th</sup> out of 165 in terms of taxes supported by business, but going in the wrong direction.
21. High school has a marine science magnet school in the City. New Norwegian company moved from Mystic to the airport. Trains freight liner pilots with simulators

### **Town Departments**

1. “Our regs are getting in the way”.
2. Road and drainage standards need updating and don’t recognize new ways of thinking about roads, circulation and scale of development.
3. We need more planned recreation space...demand driven by soccer and lacrosse- more kids playing longer hours. The best site is the one near the Town Hall annex but the school district also wants this land for a new middle school.
4. Closed schools will create development/reuse opportunities.
5. Closed school buildings are a burden on public works who is responsible for maintenance/upkeep...need for a timely process for getting rid of them.

6. It's hard to identify what the Town of Groton is...what is the center or heart of Groton. Town of Groton/City of Groton creates confusion.
7. "We're all about redundancy" ...3 police departments, 9 fire districts, 4 zoning jurisdictions...no common goal, no vision...multiple identities.
8. Town offices are way behind in terms of technology...extremely low tech and it is a hindrance in terms of time and reputation. This is a HUGE issue!
9. The town has many strengths...water front edge, museums, Bluff Point (400,000 visitors/yr), schools, Mystic center...but we don't seem to be able to promote ourselves. We are a victim of our past success when we didn't have to self-promote but now it is critical to a healthy tax base and to attract future generations to Groton.
10. Good people working for the town but there is a sense of "fiefdoms" which can also hinder development potential.
11. Town of Groton doesn't embrace the Navy base.
12. Town has been hesitant to use its legislators to get funding/programs etc.
13. Don't treat developers well, make them wait and go last at Council meetings, have meetings at difficult times, etc. Changes are needed to be more accommodating to the private sector.

### **Development Professionals**

1. How does Groton compare to other Towns you work with? Somewhere in the middle. Towns that are tough on development are done so on purpose. They are designed to make development difficult. Perceptions can be different – some view Groton as difficult but not so among the developers interviewed though they agree the codes and ordinances are outdated and needlessly complex. Perception can vary by project and by developer.
2. There is a balance between achieving flexibility and complexity – flexibility makes review and decisions on a "case by case" basis which can be difficult.
3. Codes should be easy to search digitally. It is hard to get zoning map online.
4. People are excited about recent changes with new planner (John Reiner) – staff in general are good and easy to work with. Commissioners are hit and miss. It is difficult for staff to know what commissioners are going to do. Wetlands Commission is hardest to work with.
5. Groton is a fractured community with many components/enclaves, pet peeves. "Lots of old stuff festers".
6. Town of Bloomfield is a good example of a document that is easy to use. It is a living document that is nicely done on-line.
7. Groton's zoning regulation is a relic of the 20<sup>th</sup> century, abstract and hard to understand. No one would produce that today.
8. Mixed-use is simply not doable under existing zoning. Need form-based code and allow mix of uses.
9. Groton's code results in fractured developed in little strips.
10. "Groton's regulations cause staff to carry-out stuff that causes angst among developers".

11. Downtown is Groton's best asset. Also natural resources and recreation but also resistance for "public use" of some natural areas by environmentalists.
12. Places need to be more bikable and more walkable.
13. Codes need to also have a focus on sustainability.
14. Currently a one lot subdivision requires as much effort by developers as a 100 lot subdivision.
15. Site design is absent from code and practice – some perceive Groton as "ugly".
16. The strip on Route 1 is so old and dated and ripe for development – Right now it is a "sea of parking". It should not be allowed to be redeveloped in same fashion.

### **Commissions with Regulatory Review**

1. A consultant study of zoning was done 5 years ago but it didn't get off the ground.
2. The green framework of the Town of Groton and the protection of the Long Island Sound are key components of any future vision for the town.
3. The most prevalent activity has been related to restaurants and restaurant expansion...particularly in Mystic.
4. The "Design Districts" really haven't worked and don't seem to be the right approach to attracting development.
5. The same can be said for the MX (Mixed Use) designation which has had only one application that anyone could remember.
6. There have been large projects over the years that eventually got permitted but never moved forward, possibly because the market conditions changed during the lengthy process.
7. Does not view the regulations as hindering investment/development. Agrees they are out of date and need to be updated.



# Town of Groton, Connecticut

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

## Meeting Minutes - Draft

### Town Council Committee of the Whole

*Mayor Rita M. Schmidt, Councilors Dean Antipas, Genevieve Cerf, Joe de la Cruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti and Harry A. Watson*

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Wednesday, May 27, 2015

2:45 PM

Town Hall Annex - Community Room 1

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#### SPECIAL MEETING

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#### 1. CALL TO ORDER

*The meeting started at 2:47 p.m.*

#### 2. ROLL CALL

Members Present: Mayor Schmidt, Councilor Frink and Councilor Moravsik

Members Absent: Councilor Antipas, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Peruzzotti and Councilor Watson

*Also present were Town Manager Mark Oefinger and Executive Assistant Nicki Bresnyan.*

#### 3. NEW BUSINESS

**2015-0050**

#### **Legislative Policy Initiative to Increase Revenues**

##### **Discussed**

*Although there was no quorum present, Councilors met with the consultants to discuss the project.*

*Ken Schwartz, a consultant with VHB, explained the three phases of the project:*

- *Regulatory Review (Zoning and Subdivision Regulations).*
- *Market Analysis (regional and local market trends and opportunities)*
- *Review of Opportunity Sites (to focus economic development strategy)*

*Mr. Schwartz explained that the focus of this meeting is zoning, and Camoin Associates will return in July for the market portion of the project. He asked Councilors to help identify what works, what doesn't, problem areas, and the types of development coming to town.*

*Rob Camoin of Camoin Associates explained that developers avoid communities with a heightened risk of uncertainty for projects.*

*Councilor Frink stated his focus is to:*

- *Use zoning intelligently to increase land values.*
- *Recognize that environmental protection is important.*
- *Enhance user friendliness.*

*With respect to regulation friendliness, Mr. Schwartz noted that Groton is customer friendly, but the process is cumbersome.*

*With respect to specific things in the Zoning Regulations that need to be addressed, Councilor Frink cited the following items:*

- *Water Resource Protection District*
- *Independent zoning areas*
- *Multiple fire districts/marshals and code interpretations*

- *Keeping the document current*

*Town Manager Oefinger explained the history of the special permit provisions, which were designed to allow development opportunities with some controls.*

*Mr. Schwartz noted that the Town's parking standards need to be updated. Also there are many new uses that need to be addressed, as do resiliency and climate change.*

*Councilor Frink suggested that less is better when it comes to signage.*

*Councilors were asked to identify priority sites for economic development. Mayor Schmidt stated the airport and Route 184; Councilor Frink stated downtown Groton and Thames Street; and Councilor Moravsik stated Flanders Road.*

*Discussion followed on the failure of the referendum on the Flanders Road utility extensions project. Mr. Camoin stated that the Town can identify priority areas, but if there is no infrastructure and investment requires a public referendum, then that is a concern for developers.*

*Town Manager Oefinger discussed the history of development and investment in the Town and the need to build relationships with developers.*

*With respect to the characterization of residential development, the Town Manager stated that 50% of Groton's housing stock is multi-family. Since 2008, most of the land available for single family residential has been developed. There are no plans for multi-family developments and there has not been much retail development. Groton's population is stable. Town manager Oefinger explained the population loss on paper during the 2000 Census count.*

*Discussion followed on the shopping centers in Groton, which do not meet modern standards for major retailers. The current owners are not interested in redevelopment. Mr. Camoin noted that he has done a number of market studies of downtowns. In most cases, development doesn't make sense economically so it comes down to incentives. A downtown is a symptom of the larger economy for the community, not the economy itself.*

*Mr. Schwartz noted the significant number of hotel rooms in Groton. The Town Manager explained that the wide range of facilities caters to tourism, provides alternative forms of housing, and provides off-site meeting space.*

*In conclusion, Mr. Schwartz stated the consultants will be back in October/November for the final presentation. He asked Councilors to identify what needs to be addressed as part of this effort.*

*Councilor Frink:*

- *Increase revenue; increase land values.*
- *Jobs*
- *Environmental protection*
- *Keep Groton affordable (diverse community)*

*Mayor Schmidt:*

- *Make Groton an attractive place for developers and for people to live*
- *Retain charm*

*Mr. Camoin asked if development equates to a loss of charm in the eyes of the community. The Town Manager explained the different pockets of Groton's population and difficulty achieving*

*consensus. As for demographics, overall the community is aging, but there is a younger population associated with the Submarine Base.*

*Councilor Moravsik:*

- Use of resources to bring economic development to the area (airport, railroad, industrial property).*
- Disregard Navy population because it skews everything.*

*The discussion with the consultants concluded at 4:00 p.m.*

**4. ADJOURNMENT**

**Kickoff- Market Analysis & Zoning Audit**  
**VHB & Camoin**  
**Itinerary: May 27<sup>th</sup>**

**8:00 – 9:45 am**

**Tour of Groton**

Driving loop including routes 117 & 184; up Route 12 to Trident Park and Nautilus area; down Military highway (Fairview); Thames Street to Fort Griswold to Building 114; Kings Highway to Downtown Groton “Gateway;” shopping centers along Route 1 to Groton-New London Airport. Return to Annex.

**10:00 – 11:00 am**

**First interview**

- **Staff Review Team** **CR-2**  
Deb Jones & Diane Glemboski, Planning  
Greg Hanover, Public Works  
Kevin Quinn, Building Official  
Ryan McCammon, Senior Sanitarian, Ledge Light Health District  
Kale Kiely, Fire Marshal, Poquonnock Bridge (written comments)
  
- **Small Businesses and Small Developers** **CR-3**  
Matt McCormack, Mystic Indoor Sports  
Todd Brady, Coastal Funding Company & Factory Square  
  
Rob Hohlfelder, Mt. Kineo Builders (tentative- written comments)  
  
Peter Legnos, LBI Corp. (invited)

**11:15 am – 12:15 pm**

**Second Interview**

- **Regional Entities** **CR-2**  
Steve MacKenzie, Executive Director, Southeastern CT Enterprise Region  
Tricia Walsh, President, Greater Mystic Chamber of Commerce (phone?)  
Len Mediavilla, Groton Utilities  
  
Tony Sheridan, President, Chamber of Commerce Eastern CT (written)  
Tom Kasprzak, Eversource (will submit written responses)  
Judy Simpanen, Aquarion (will submit written responses)  
Jim Butler, Executive Director, Southeastern CT Council of Governments
  
- **Planners** **CR-3**  
Deb Jones  
Diane Glemboski  
Susan Cullen

**12:15 – 2:30 pm**

**Lunch break: Daniel Packer Inne**

- **Economic Development Staff Interview**  
Mark Oefinger, Town Manager  
Jon Reiner, Director, Office of Planning & Development Services  
Kristin Clarke, Economic Development Specialist

- **Mystic Tour**  
Downtown Mystic, Mystic Business Park/Flanders Road, Mystic Education Center

2:45 – 3:45 pm

**Third interview**

- **Elected Officials** **CR-2**  
All Town Council members invited. Confirmed so far:  
Rita Schmidt, Mayor, Town of Groton  
Bob Frink  
Genevieve Cerf  
Rich Moravsik (tentative)

Invited, but probably unable to attend because of sessions in Hartford:  
Aundré Bumgardner, Representative 41<sup>st</sup> District (tentative)  
John Scott, Representative 40<sup>th</sup> District

- **Town Departments** **CR-3**  
Jon Reiner, Director, Office of Planning & Development Services  
Gary Schneider, Director, Public Works  
Mark Berry, Director, Parks & Recreation  
Sam Kilpatrick, Director of Buildings & Grounds, Groton Public Schools

4:00 – 5:00 pm

**Fourth interview**

- **Development Professionals** **CR-2**  
Clint Brown, DiCesare & Bentley  
Brian Kent, Kent & Frost  
Chad Frost, Kent & Frost

Harry Heller, Heller, Heller & McCoy (will submit written responses)

- **Commissions with Regulatory Review** **CR-3**  
Sue Sutherland, Chair, Zoning Commission  
Susan Dowling, Economic Development Commission (tentative)  
**Planning Commission**  
**IWWC**  
**HDC**  
**ZBA**

5:15 – 5:45 pm

**Working dinner**

6:00 – 8:00 pm

**Kickoff Meeting**



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**C. Development Review Process**

# Town of Groton, CT

## Development Review Process | **Steps**

1

Applicant comes to Town to discuss a project; staff generally available to answer initial questions

2

If requested, staff schedules preliminary application meeting with applicant to provide input and answer questions prior to submitting application

3

Applicant submits formal application and supporting documents

4

A lead planner is assigned to the application

5

Plans and support materials are sent to Town staff and other appropriate outside agencies for review (Public Works, Building, Parks and Recreation, Police, Fire Marshal, Utility companies, Ledge Light Health District). Input may also be requested from political subdivisions (Noank) or from a state or regional agency. A Town staff review meeting is scheduled 2-3 weeks from date of submission

6

Town comments are provided to the applicant in writing

7

Applicant revises plans to address Town comments

8

Once the Town determines that the revised plans address all comments, the application is placed on the next Commission agenda

9

Lead planner develops a staff report and draft motion prior to the Commission meeting

10

Commission renders a decision

11

Once approved, the lead planner coordinates the filing of the plans in land records and keeps track of expiration dates



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**D. Streamlined Table of Permitted Uses (Westborough, MA)**

**Appendix A:  
Table of Principal Use Regulations**

PRINCIPAL USE	DISTRICTS									
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
<b>A. Residential Uses</b>										
1. Single-family dwelling	Y	Y	Y	N	N	N	Y	SPA	SPA	N
2. Conversion of dwelling	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N
3. Open space residential development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
4. Flexible development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
5. Assisted living facility	SPB	SPB	N	N	SPB	SPB	SPB	SPB	SPB	SPB
6. Trailer, mobile or otherwise	N	N	N	N	N	N	N	N	N	N
<b>B. Exempt and Institutional Uses</b>										
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Child care facility in new building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Cemetery	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Municipal facility, excluding parking lots	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Municipal parking lot or garage	N	N	N	N	Y	Y	N	N	N	N
8. Essential services	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
9. Hospital or clinic	SPA	SPA	SPA	N	SPA	N	SPA	SPA	N	N
<b>C. Agricultural Uses</b>										
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**Appendix A:  
Table of Principal Use Regulations**

<b>C. Agricultural Uses, cont'd</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
3. Greenhouse or nursery farm stand	N	N	N	N	Y	N	N	N	N	N
4. Temporary greenhouse or farm stand	N	N	N	N	Y	Y	N	N	N	N
5. Storage of agricultural products at nonexempt operation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Boarding, renting and sale of animals on parcels less than five acres	N	N	N	N	SPA	N	N	N	N	N
7. Boarding, renting and sale of horses on parcels less than five acres	N	N	SPA	N	SPA	N	SPA	SPA	N	N
8. Veterinary hospital or clinic	N	N	N	N	Y	N	N	N	N	N
<b>D. Commercial Uses</b>										
<b>D. (A) Retail Uses</b>										
1. Retail sales to the general public	N	N	Y	N	Y	N	Y	Y	N	N
2. Retail sales to industrial or commercial buyers	N	N	N	N	SPB	Y	N	N	N	N
3. Retail sales of dairy products	N	N	Y	N	Y	N	Y	N	N	N
4. Retail sales or leasing of motor vehicles	N	N	N	N	Y	Y	N	N	N	N
5. Major retail project	N	N	SPB	SPB	SPB	SPB	SPB	N	N	N
<b>D. (B) Motor Vehicle Services</b>										
1. Motor vehicle services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
<b>D. (C) Other Commercial Uses</b>										
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N

**Appendix A:  
Table of Principal Use Regulations**

<b>D. (C) Other Commerical Uses, cont'd</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
10. Indoor and outdoor commercial recreation	N	N	N	N	SPA	N	N	N	N	N
11. Winter commercial recreation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
12. Horseback riding academy	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
13. Place of amusements or assembly	N	N	SPA	N	N	N	SPA	SPA	N	N
14. Indoor motion-picture establishment	N	N	N	N	Y	N	N	N	N	N
15. Golf course; golf club	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
16. Personal service establishment	N	N	Y	Y	Y	N	Y	Y	N	N
17. General service establishment	N	N	N	Y	Y	Y	N	N	Y	Y
18. Planned commercial development	N	N	N	N	SPB	N	N	N	N	N
19. Commercial parking lot	N	N	N	N	Y	Y	N	N	N	N
20. Adult entertainment establishment	N	N	N	N	SPA	N	N	N	N	N
21. Massage establishment	N	N	N	N	N	N	N	N	N	N
22. Body art establishment	N	N	N	N	SPA	N	N	N	N	N
23. Major commercial project	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
24. Adult day care facility	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
<b>E. Industrial Uses</b>										
1. Research/office park	N	N	N	N	Y	Y	Y	Y	Y	Y
2. Warehouse	N	N	N	N	N	SPB	SPB	SPB	SPB	SPB
3. Planned industrial development	N	N	N	N	N	SPB	N	SPB	N	N
4. Removal of sand and gravel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Quarrying; mining	N	N	N	N	N	N	Y	N	Y	Y
6. Sawmills and wood processing	N	N	N	N	N	Y	Y	N	N	N
7. Light manufacturing	N	N	N	N	N	Y	Y	Y	Y	Y
8. Light manufacturing with not more than four employees	N	N	N	N	Y	Y	N	N	N	N
9. Wholesale trade	N	N	N	N	Y	Y	N	N	Y	Y
10. Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N
11. Wholesale underground fuel storage	N	N	N	N	N	SPA	N	N	N	N

See Definitions      Y=permitted, N=not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning Board of Appeals

**Appendix A:  
Table of Principal Use Regulations**

<b>F. Other Uses</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA
2. Drive-up or drive-through facilities, except restaurants	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA



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**E. Streamlined Approval Process and Board Consolidation (Devens, MA)**

# Permitting

## Expedited Local Permitting

Devens projects benefit from an expedited, 75-day permitting process administered by the Devens Enterprise Commission (DEC), the independent regulatory and permitting authority for the Devens Regional Enterprise Zone. Wearing multiple hats—as the board of health, conservation commission, zoning board of adjustment, and planning board—the DEC performs its multiple duties in the context of a unique and innovative “one-stop” unified permitting system, which greatly streamlines the local regulatory process.

As a result, most development permit applications are acted on within 75 days. A recent example is Bristol-Myers Squibb’s \$750 million Large Scale Cell Culture facility, which was approved by the DEC in just 49 days. No other Massachusetts permitting process can match the project flexibility and approval speed that Devens has to offer.

## Key Aspects of the Process

An effective streamlined permitting process requires open lines of communication between applicant and regulator, a complete and comprehensive application, and clearly-defined provision for public comment. The DEC’s process incorporates all three of these elements.

- **Open Lines of Communication**

The most successful applicants meet early and often with the DEC. An initial scoping session is a critical element as an opportunity for the applicant to get initial feedback from DEC staff on the proposed project as well as a chance to pose any procedural questions. Additional pre-permitting conferences may be required to review critical development issues, application contents, waiver requests, design guidelines, and scheduling issues. With full time staff and an open door policy, the DEC is ready and able to assist.

- **Complete and Comprehensive Application**

The DEC application requires more information than is normally required in some municipalities. The goal is to provide the DEC commissioners, staff, and their peer review consultants proactively with all of the information they will need to make their decision within 75 days, thereby minimizing the potential for schedule-busting last minute requests for additional studies or reports.

- **Provision for Public Comment**

While the DEC process is built for efficiency, public input is an integral component of the review process. The DEC process provides the surrounding towns (Ayer, Harvard, and Shirley) 30 days to render comments to the DEC on an application. Additionally, members of the general public are welcome to comment on applications either in writing or in person at the public hearing that is held for every major project. Hearings may be continued to the next month with the agreement of the applicants. The DEC provides notice of public hearings to the general public and to abutting property owners.

**For more information on the DEC and the Devens unified permit process, visit the DEC’s website at [www.devensec.com](http://www.devensec.com) (<http://www.devensec.com>).**



- [Devens Enterprise Commission](http://www.devensec.com)  
(<http://www.devensec.com>)
- [Proposed Zoning Changes - Devens, MA](http://courbanize.com/devens-zoning/)  
(<http://courbanize.com/devens-zoning/>)

Please also refer to:

**Unified Permitting System for the Redevelopment of Fort Devens**

(<http://bgc.pioneerinstitute.org/unified-permitting-system-for-the-redevelopment-of-fort-devens/>)



## OVERVIEW OF DEVENS ENTERPRISE COMMISSION PERMITTING PROCESS

### Role of the Devens Enterprise Commission (DEC):

The DEC acts as the regulatory and permitting authority for the Devens Regional Enterprise Zone. It functions as a board of health, conservation commission, zoning board of adjustment, and planning board. It carries out these duties in the context of a unique and innovative one-stop, or unified permitting system, which greatly streamlines the local regulatory process. Section 9 of Chapter 498 lists the complete roles and responsibilities of the Commission <http://www.devensec.com/devserv.html>. There are twelve DEC Commissioners. Six commissioners are nominated by Ayer, Harvard, and Shirley. Six additional regional Commissioners are appointed by the Governor. The Governor appoints the Chairperson.

### Meeting Schedule and Application Timelines:

The DEC holds regular monthly meetings on the first Thursday after the first Tuesday of each month. Public hearings are generally held on the last Tuesday of each month. Most development permit applications are acted on within 75 days. No other permitting process can match the project flexibility and approval speed that Devens has to offer.

### Application Review Process:

The Devens By-laws and DEC's Development Rules and Regulations provide for Level One and Level Two permit application review processes. Level One actions allow rapid approval at the Administrative level (generally within 14 days) for relatively minor adjustments to site plans, lot lines, and architectural modifications in historic areas, as well as wetland certificates of compliance. Level Two actions require a full public hearing, and generally involve larger scale undertakings such as most new construction, adaptive reuse of existing buildings and any major private and/or public infrastructure improvements. Anything not specifically identified as a Level One action requires Level Two review.

### The application review process for Level Two permits typically consists of the following:

1. **Scoping Session:** A preliminary meeting between the Applicant and the Director to determine the components of the Permit, the timing of the Submission and permitting process, and general scope of the project submittal items.
2. **Determination of Zoning Compliance:** An Applicant may seek Determination from the DEC that the proposed uses and activities are permitted within the zoning district in which the development site is located and the proposed uses comply with the development goals of that zoning district. Such determination is made by the Commission at a public meeting. The Applicant must submit a statement indicating how the proposed use and development comply with the applicable zoning district (as per the By-Laws and Reuse Plan).
3. **Pre-Permitting and Final Conferences:** Pre-Permitting Conferences with the Director are required to review which development issues are critical, Submission and Plan Form and Contents requirements, Waivers of Design Standards and preliminary time schedules.
4. **Determination of Completeness (DOC):** Upon completion of the Final Pre-Permitting Conference, the Director shall render a written DOC within 14 calendar days. "Complete" means that a Submission complies with the Plan Form and Contents and Submission requirements of all applicable DEC Rules and Regulations (see 974 CMR 3.02 for requirements). Submissions can be determined conditionally complete, however a schedule for the submission of deficient or additional items shall be attached to the DOC.
5. **Town Comment Period:** The DEC provides surrounding towns (Ayer, Harvard and Shirley) 30 days to render comments to the DEC on the Submission. The public hearing shall not be closed until the thirty-day town comment period is concluded.
6. **Public Hearing Requirement and Abutter Notices:** The DEC provides notice of public hearings to the general public and to abutting property owners.
7. **Public Hearing Continuances:** The DEC may, with the consent of the Applicant, agree to one or more continuances of public hearings of up to 30 days each.
8. **The Voting Process:** All DEC votes are by a majority of a quorum (seven DEC members). Seven votes are required for a Variance and Reconsideration. Eight votes are required to adopt or amend Regulations.

9. **Record of Decision (ROD).** The ROD is issued within 10 days from the date of the DEC's vote. The Applicant shall record the ROD with the Registry of Deeds for both Worcester and Middlesex Counties and provide proof thereof to the DEC prior to the issuance of a building permit.
10. **Endorsement.** After the appeal period has expired (30-days), the Applicant submits plans for endorsement by the DEC. Plans are recorded with the Registry of Deeds for both Worcester and Middlesex Counties and proof of recordation submitted to the DEC prior to the issuance of a building permit.
11. **Permit Duration.** Site Plan approvals are valid for 2 years. Work must commence within 6 months of approval or the approval expires. Extension of these timeframes is possible.

**Application Fees:**

**Unified Permit** fees cover all DEC activities from the Pre Permitting Conference through the Building Permit. The fee is based on the total value of all construction and improvements, including site preparation, construction, engineering and site testing, roads, paving, parking lots, landscaping, and other improvements. The cost of the building must be included in the total value of all construction for the purposes of calculating the fee. The fee consists of a base fee and a value increment based on the gross value of the project.

**UNIFIED PERMIT FEE**

Gross value of project (inclusive of the buildings and all site development work and infrastructure improvements)	Base fee	Plus value increment (if any)
\$1,000,000 or less	\$1,300	Plus \$13 per \$1000 of work above \$100,000
\$1,000,000 and above	\$13,000	\$11.00 for each additional \$1000 in work above \$1,000,000

**Peer Review Fees.** The DEC may seek review and analysis from outside consultants (peer review). Applicants are required to pay 100% of the consultants' fees. Outside consultants employed by the DEC for plan review routinely include civil engineers, landscape architects, wetlands scientists, and attorneys and may include additional specialists, depending on level of complexities of a Submission or "special environmental conditions". Peer review deposits are retained until the project is completed.

The complete Devens Bylaws and Rules and Regulations are available on-line at [www.devensec.com](http://www.devensec.com)

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**F. Massachusetts 43D Process – Part 1**



The Official Website of the Executive Office of Housing and Economic Development (EOHED)

## Housing and Economic Development

[Home](#) > [Initiatives](#) > [Executive Office of Housing and Economic...](#) > [MPRO](#) > [Zoning and Permitting](#) > [Local Expedited Permitting - 43D](#)

### Local Expedited Permitting - 43D

Program specific information about Chapter 43D expedited permitting and the application process

#### History

On August 2, 2006, Massachusetts General Law Chapter 43D was signed into law. The 43D Program was amended on August 7, 2012 in Section 25 of Chapter 238 of the Acts of 2012.

This program offers communities a tool to promote targeted economic and housing development.

#### Chapter 43D

- Provides a transparent and efficient process for municipal permitting
- Guarantees local permitting decisions on priority development sites within 180 days
- Increases visibility of your community and target development site(s)

#### The Benefits of Opting-in

- Priority consideration for the MassWorks Infrastructure Program grants, brownfields remediation assistance, and other financing through quasi-public organizations
- Online marketing of your site and promotion of your pro-business regulatory climate
- Improved municipal planning and permitting efficiencies
- Collection of special fees for priority development site permit applications

#### The Criteria for Priority Development Sites

- May be zoned for commercial, industrial development, residential or mixed use purposes
- Must be eligible for the development or redevelopment of a building of at least 50,000 square feet of gross floor area (may include existing structures and contiguous buildings)
- Sites must be approved by the local governing authority
- Must be approved by the state Interagency Permitting Board

#### The Obligations of Opting into Chapter 43D

- The community must identify a qualifying parcel as a priority development site, and obtain permission of its owner (if private) for participation in the program
- Within 120 days of adopting Chapter 43D, the community must
  - appoint a single municipal point of contact for streamlined permitting;
  - amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline;
  - determine and make available the requirements for each permit;
  - establish a procedure for identifying necessary permits for a project;
  - establish a procedure for determining completeness of the required submissions.
- After the 120 phase-in period is complete, the town must render permitting decisions on priority development sites within 180 days

#### Protections for Communities

- The 180 day guarantee is suspended if the governing body determines:
  - an application is incomplete
  - an application contains false or misleading information
  - that substantial changes to the project affect the information on the permit applications since the original submission

#### Application Process

- Current

application 

information

#### Who is Participating in the Chapter 43D Program?

- Current listing of participants

#### Chapter 43D Regulation Information

- Learn about the [regulation](#)

#### Interagency Permitting Board and Schedule

- The Interagency Permitting Board was created by Chapter 205 of the Acts of 2006. The State Permit Ombudsman serves as Chair of the Board, which is charged with administering the Chapter 43D Expedited Permitting Program and expedited projects on those sites, working with the Massachusetts Office of Business Development and regional planning agencies to better serve local businesses, evaluating state permit processes and recommending changes for improved efficiency; and working with municipalities to facilitate communication with state agencies.
- Unless otherwise noted Interagency Permitting Board meetings will be held on the second Wednesday of the month from 10am-12pm.

#### Contact Information

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**F. Massachusetts 43D Process – Part 2**

(Appendix A from “A Best Practices Model for treamlined Local Permitting” by The Massachusetts Association of Regional Planning Agencies, November 30, 2007)

# APPENDIX A:

## Chapter 43D: A Step-by-Step Guide to Adoption

### **Step 1: Identify areas within your municipality that you would like to see developed for commercial/industrial or mixed uses.**

Ch. 43D expedited permitting is specific to sites designated as Priority Development Sites (PDS). The PDS may include an individual parcel or several contiguous parcels. The locations must be:

- (1) zoned for commercial, industrial or mixed uses;
- (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and
- (3) approved by the landowner(s) as a priority development site.

In addition, there is a preference that locations meet one or more of the following criteria:

- (1) located adjacent to areas of existing development;
- (2) include underutilized buildings or facilities; or
- (3) located close to appropriate transit services.

In pursuing the Ch. 43D designation, the municipality is making a statement that these are the specific locations within the municipality where development should occur. The decision to prioritize these areas is very important.

In selecting a site, the municipality should consider: 1) the master plan for the community, 2) the regional plan for growth and development, 3) the availability of infrastructure, and 4) any community impacts that may be problematic in the permitting stage. The municipality will have 180 days to review permit applications within the PDS. To accomplish this task effectively, these factors must be assessed prior to designating a PDS.

### **Step 2: Consult your Regional Planning Agency (RPA)**

RPAs have been selected by the Legislature as a partner in the Ch. 43D process. They have expertise in selecting appropriate sites, and navigating the steps in the Ch. 43D process, including the application and technical assistance request. In addition, they have partnerships with Mass Development and other agencies, and can assist with soliciting additional technical assistance from other sources.

### **Step 3: Approach the relevant landowners**

Ch. 43D requires that every landowner within a PDS approves that the site receive that designation. While the majority of landowners appreciate this opportunity, it is important to engage them early in the process to receive support for moving forward. The landowner will ultimately be required to endorse the Ch. 43D application before it is submitted to the Interagency Permitting Board; other forms of consent letters will not be accepted during the application phase in lieu of landowner signatures on the application.

### **Step 4: Review Zoning Bylaws and Ordinances**

Ch. 43D requires the municipality to issue decisions on all permits for a PDS project (see Step 5 for specific list) within 180 days of the application being deemed complete. In most cases, city or town ordinances and bylaws allow for a decision within this timeframe, but the administrative policies and scheduling needs to be adjusted. However, in some cases where bylaws spell out an order of review for

## APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

the various boards sequentially, it may be practically impossible to review the project within 180 days. With town counsel assistance, towns should assess the local bylaws and ordinances to assure that the 180 day review period is possible, and if not, propose amendments prior to designating a PDS (i.e. simultaneous review of a permit application by multiple boards, joint board hearing).

The ordinance/bylaw review should take these requirements into account to assess whether an amendment is necessary to accomplish Ch. 43D. These steps will help determine the specific procedures that the municipality will utilize to meet the requirements of Ch. 43D.

### **Step 5: Consult with relevant boards and commissions**

Orders of conditions and wetlands decisions issued by the Conservation Commission, Special Permits issued by the ZBA and/or Planning Board, Site Plan Review issued by the Planning Board, Flammable Materials License issued by the Fire Chief, historic district decisions, and Title V and septic decisions issued by the Board of Health are all subject to the 43D requirement that all permit reviews be completed within 180 days for projects on a PDS. Building permits issued by the building inspector, ANR plan approval and subdivisions under the subdivision control law are not affected by this statute.

In order to gather support at town meeting and effectively implement the expedited permitting statute, it is important to meet and discuss the Ch. 43D proposal with these boards to gather feedback and fully understand their particular review processes.

Furthermore, the relevant boards and commissions are a great resource to discuss technical assistance needs and procedural improvements.

### **Step 6: Finalize Location**

Upon receiving feedback from the various boards and commission and landowners, the municipality is ready to finalize the location to propose to the legislative body for PDS determination.)

### **Step 7: Bring the Priority Development Site Proposal to the appropriate legislative body for approval**

The town meeting, town council, or city council must approve the creation of a PDS by a simple majority vote. While this requirement seems onerous, the process has been smooth to date because the landowner(s), town leadership and relevant boards have been consulted and have supported the proposals. Among other things, those presenting at town meeting should consider highlighting the specifics of the Ch. 43D program including the prospective uses for the parcel, potential uses for the technical assistance grant, and the tax benefits of development on the proposed parcel.

Each Priority Development Site requires a separate vote of the Town Meeting, Town Council or City Council. Sample warrant text was prepared in conjunction with the Attorney General's Office and is available online at [www.mass.gov/mpro](http://www.mass.gov/mpro) under "Chapter 43D Expedited Permitting."

The vote of Town Meeting, Town Council or City Council does not constitute "opting in" to the program. The community does not accept the provisions of Ch. 43D on the PDS until after the Ch. 43D application is been approved by the Interagency Permitting Board (see Step 11).

# APPENDIX A:

## Chapter 43D: A Step-by-Step Guide to Adoption

### Step 8: Amend Zoning Bylaws and Ordinances (if necessary)

When the town meeting considers the PDS application, it may also consider any zoning bylaw/ ordinance amendments necessary to implement the requirements of Ch. 43D. Rather than wait until the application is approved, the town/city could consider any necessary changes at the time of PDS municipal approval.

This step requires time and resources that many municipalities may want to request in the technical assistance grant (see Step 10). This step may come later in the process, however the community should be aware that there is no “opt out” provision if the community accepts Ch. 43D and subsequent zoning changes fail to meet the required local vote. Therefore, it is strongly advised that communities make any zoning changes that would otherwise prohibit a 180-day review before opting in to Ch 43D.

### Step 9: Identify a Single Point of Contact

Chapter 43D requires that a single person be designated to serve as the municipal point of contact on Priority Development Sites. The individual must be a municipal employee or an employee of a quasi-municipal agency who will be charged with responding to inquiries the site, providing and accepting permit applications, communicating decisions to applicants, etc. It is recommended that the designated Point of Contact be a staff member and not an elected official.

### Step 10: Submit Application to Interagency Permitting Board

Upon completing the previous steps, the municipality must submit an application to the Interagency Permitting Board for approval. There is no particular timeline for this step. For instance, a community may pass a Chapter 43D article at Fall Town Meeting and submit applications six months later.

The Ch. 43D application must include details on the PDS and requests for a technical assistance grant (if being requested). The one-time grant is available to assist municipalities to meet the statutory requirements of Ch. 43D and to take actions that facilitate growth. In order to be considered for a technical assistance grant, the grant application must be submitted in conjunction with the first PDS application offered by a single municipality. The grant can be used to hire municipal staff, or engage consultants to provide technical assistance, or invest in technology improvements related to increased permitting efficiency. In formulating the grant request, the municipality must define the various tasks for which it needs technical assistance, determine a budget, and identify a timeline to accomplish these tasks.

The Interagency Permitting Board meets regularly and makes all decisions with 60 days of receiving an application. For more details on the Board, please visit [www.mass.gov/mpro](http://www.mass.gov/mpro) and click Interagency Permitting Board.

Applications are due 14 days prior to the next regularly scheduled Board meeting, and applicants should appear in front of the Board to present their case and answer questions. For complete instructions on the applications process and eligible grant requests, please view the Guidance Tool at [www.mass.gov/mpro](http://www.mass.gov/mpro) under Chapter 43D Expedited Permitting.

## APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

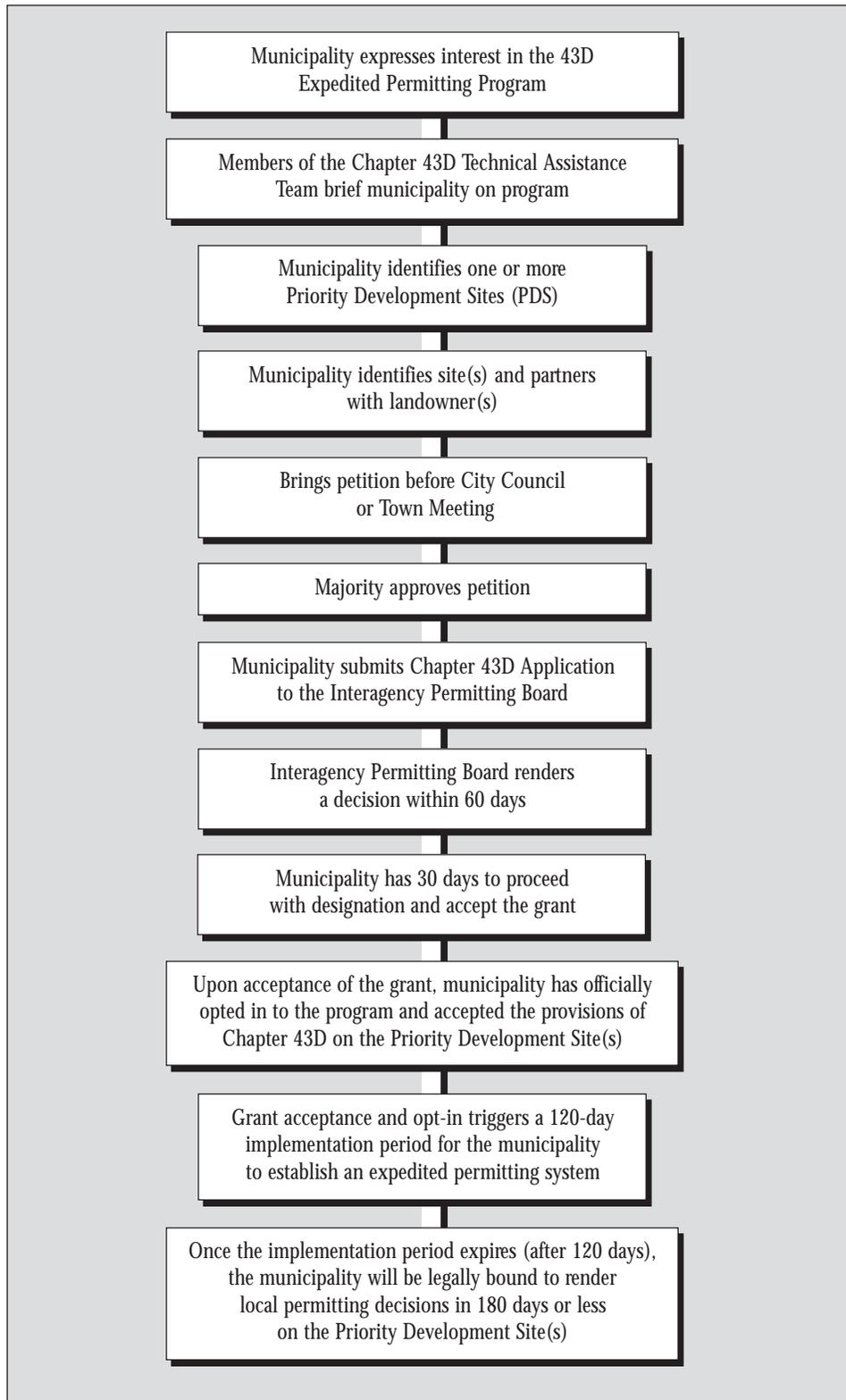
### Step 11: Opting in

Once the Interagency Permitting Board renders decisions on an application for PDS designation and a technical assistance grant, the municipality will be noticed and required to enter into a contract for that grant. Once the contract has been executed, the municipality will receive a check or electronic fund transfer from the Commonwealth for the technical assistance grant, if approved. Once the municipality cashes that check, accepts the electronic transfer, or endorses an opt-in form in the absence of a technical assistance grant, the municipality has officially “opted in” to the Ch. 43D program and a 120-day implementation period begins. During that 4-month period, the municipality must reform all the necessary procedures, bylaws and rules in order to issue all permitting decisions for a project within the PDS within 180 days. Once the 120-day period expires, the community is legally obligated for a period no less than five years to render permitting decisions on a PDS within 180 days or less . There is no “opt out” provision during these five years.

Please note that this step-by-step guide is a resource to steer a municipality through the various steps necessary to adopt and implement Ch. 43D. This is not intended to substitute the regulations, 400 CMR 2.00, or proper legal counsel. In addition, there are several helpful documents available through the Mass Permit Regulatory Office at [www.mass.gov/mpro](http://www.mass.gov/mpro).

# APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

## Massachusetts Permit Regulatory Office CHAPTER 43D FLOW CHART





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**G. Flexible Multiple Use Overlay District (Westwood, MA)**

expanded and/or altered pursuant to the issuance of a WCOD Special Permit from the Planning Board in compliance with the applicable provisions of this section. A new Minor wireless communication facility associated with a non-conforming Major wireless communication facility may be granted WCOD-EIDR Approval in compliance with the applicable provisions of this section.

- 9.4.11 **Time Limitation.** A special permit issued for a Major wireless communication facility over fifty (50) feet in height shall be valid for a period of five (5) years. At the end of this time period, the Major wireless communication facility shall be removed at the Applicant's expense unless the Applicant receives approval from the Planning Board to renew the WCOD Special Permit for an additional five (5) years.

## **9.5 FLEXIBLE MULTIPLE USE OVERLAY DISTRICT (FMUOD)**

- 9.5.1 **Purpose.** The purpose of the Flexible Multiple Use Overlay District (FMUOD) is as follows:

- 9.5.1.1 to provide a desirable mix of land uses, including office, retail, service and residential uses, that will serve Town and regional interests in housing, employment, conservation and net tax revenue;
- 9.5.1.2 to promote creative, efficient and appropriate solutions to the development of complex sites and encourage redevelopment of underutilized properties by providing greater flexibility of design and promoting more efficient use of land while remaining sensitive to surrounding properties and natural resources;
- 9.5.1.3 to encourage the development of comprehensive projects of appropriate scale in transit-oriented locations and areas that provide proximate access to major transportation routes;
- 9.5.1.4 to promote walking, bicycling, and public transportation, by encouraging complementary uses and facilities that support such objectives;
- 9.5.1.5 to encourage a comprehensive approach to site design, by considering buildings, open space, landscaping and site amenities, circulation patterns and parking, in an integrated manner, so as to create an aesthetically pleasing environment, without causing substantial detriment to abutting neighborhoods; and
- 9.5.1.6 to eliminate duplication of effort and foster coordination between applicable town boards and committees, which may be responsible for review of a proposed development project.

9.5.2 **Location.** Five distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 and FMUOD 5 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.

9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.

9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.

9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.

9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.

9.5.2.6 **FMUOD 6: Washington Street Business District.** FMUOD 6 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 6, including properties along Washington Street within the Local Business B District, between Fairview Street and Everett Street.

9.5.2.7 **FMUOD 7: High Street Business District.** FMUOD 7 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 7, including properties along High Street within the Local Business A District, between Windsor Road and High Rock Street.

9.5.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all FMUOD Special Permits.

- 9.5.4 **Regulations.** The Planning Board shall adopt rules and regulations for the administration of this Section (henceforth referred to as the “Rules and Regulations”). Such Rules and Regulations shall include, but not be limited to, the following: application and submittal requirements, fees, review procedures, reimbursement for consultants, performance guarantees, and procedures for the consideration of permit extensions.
- 9.5.5 **Special Permit Required.** Development under this Section requires a FMUOD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the FMUOD Special Permit. In such case, a consolidated Special Permit Application shall be acted upon by the Planning Board in accordance with the requirements of this Section, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the FMUOD Special Permit, and no separate EIDR Approval shall be required.
- 9.5.6 **Phased Developments.** Development under this Section may be approved in one or more phases authorized under a single FMUOD Special Permit. The FMUOD Special Permit for a project approved for development in two or more phases shall include an approximate development timeline and anticipated construction schedule in conformance with the Rules and Regulations. An FMUOD Special Permit for a phased development shall be granted by the Planning Board based on the Planning Board’s approval of final plans for one or more early phases of the development, along with the Planning Board’s approval of preliminary plans for future phases of the development. In such instance, the FMUOD Special Permit shall be amended by Planning Board approval of final plans for each subsequent phase of development as such plans become available. Once final plans for any phase of development are approved under a FMUOD Special Permit or any amendment to that FMUOD Special Permit, such plans shall be deemed to be in compliance with the provisions of this Bylaw, and the Planning Board shall not require amendment of said approved final plans. Upon the issuance of a FMUOD special permit approval under this Bylaw for any individual phase, such phase shall be deemed to be in compliance with the provisions of this Bylaw, notwithstanding the status of any other phase and/or any noncompliance of such other phase with the phasing plan, or phasing requirements set forth herein or otherwise.
- 9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD6 or FMUOD7, whether held in common or separate ownership.
- 9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple

uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.

**9.5.8.1 Uses Permitted by FMUOD Special Permit in any FMUOD:**

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Ice cream shop;
- 9.5.8.1.8 Municipal use;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.14 Retail sales and services establishment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Shuttle service system.

**9.5.8.2 Additional Uses Permitted by FMUOD Special Permit in FMUOD1:**

- 9.5.8.2.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Research and development facility;
- 9.5.8.2.7 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.8 Retail sales and services establishment, 10,000 sq. ft. or more.

**9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:**

- 9.5.8.3.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.3.2 Hotel.
- 9.5.8.3.3 Research and development facility;

**9.5.8.4 Uses Permitted by FMUOD Special Permit in FMUOD3:**

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.4.3 Multi-family dwelling.
- 9.5.8.4.4 Research and development facility;

**9.5.8.5 Additional Uses Permitted by FMUOD Special Permit in FMUOD4:**

- 9.5.8.5.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.5.2 Research and development facility;

**9.5.8.6 Additional Uses Permitted by FMUOD Special Permit in FMUOD5:**

- 9.5.8.6.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.6.2 Research and development facility;

**9.5.8.7 Accessory Uses Permitted by FMUOD Special Permit in all FMUOD districts:** Any use accessory to a use permitted by FMUOD Special Permit may be permitted pursuant to that same permit, irrespective of whether such use is located on the same lot as the principal use, provided that the principal use to which such use is accessory shall be clearly identified, and further provided that such accessory use shall be specifically reviewed and approved by the Planning Board in the FMUOD Special Permit.

**9.5.9 Alternative Dimensions.** The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirements, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

		<u>FMUOD</u>						
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		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
9.5.9.1	Minimum Project Area	30 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>1</sup>	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 <sup>2</sup>	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

<sup>1</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33 ), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred seventy-eight and one-half (178.5) feet above sea level.

<sup>2</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum floor area ratio of no more than 1.2.

**9.5.10 Alternative Parking Arrangements.** The alternative parking arrangements set forth in Sections 9.5.10.1 through 9.6.10.2 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

**9.5.10.1 Parking Space Requirements.** Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. In making such determination, the Planning Board may consider complementary uses and activities having different peak demands, transportation demand management (TDM) measures, and such other means as may be applicable.

- 9.5.10.2 **Joint Off-street Parking.** Joint off-street parking arrangements may be permitted when determined by the Planning Board to be appropriate.
- 9.5.11 **Alternative Sign Requirements.** The alternative sign requirements set forth in Sections 9.5.11.1 through 9.6.11.10 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.
- 9.5.11.1 **Definitions.** For the purposes of these alternate sign requirements, the following terms shall be defined as indicated below:
- 9.5.11.1.1 **Awning Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.
- 9.5.11.1.2 **Development Identification Sign.** A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.
- 9.5.11.1.3 **Directional Sign.** A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. “No Parking”, “One Way”, “No Outlet”, and “Do Not Enter” are examples of directional signs.
- 9.5.11.1.4 **Directory Sign** A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.
- 9.5.11.1.5 **Projecting Sign.** A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that any part of said sign extends more than six (6) inches from the wall surface of that building or structure.
- 9.5.11.1.6 **Temporary Construction Sign.** A sign at a site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information.
- 9.5.11.1.7 **Wall Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a

building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.8 **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. “Retail Center Parking”, “Shuttle Bus Stop Ahead”, “Exit to Providence Highway”, “Additional Parking in Rear” are examples of way finding signs.

9.5.11.1.9 **Window Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

9.5.11.2 **Development Identification Sign.** Where appropriate, a project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2) faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

9.5.11.3 **Individual Business Identification Signs.** Individual business identification signs shall be permitted as follows:

9.5.11.3.1 **Wall or Awning Signs.** Any combination of wall signs and awning signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, up to a maximum of two hundred (200) square feet of wall and/or awning signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. In no case shall any individual letter exceed five (5) feet in height, nor shall any logo or graphic

representation exceed ten (10) feet in height. Awning signs shall have at least 8 feet clearance above the pedestrian grade and shall be setback at least 4 feet from the adjacent curb. No awning sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Wall signs and/or awning signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.2 **Projecting Signs.** One projecting sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed eight (8) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 4 feet from a building facade. No such projecting sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Projecting signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.3 **Window Signs.** Window signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, up to a maximum of fifty (50) square feet of window signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Window signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.4 **Directional Signs.** Directional signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional signs shall not exceed two (2) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.

9.5.11.5 **Way Finding Signs.** Where determined by the Planning Board to be appropriate in light of the size and scale of a project, way finding signs shall be

allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

- 9.5.11.6 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of seven (7) feet above ground.
- 9.5.11.7 **Temporary Construction Signs.** Temporary construction signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.11 **Prohibited Signs.** Billboards, roof signs, internally illuminated signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.5.11.5), flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any project authorized under a FMUOD Special Permit. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such signs meet all other provisions of this Section.
- 9.5.11.12 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.
- 9.5.11.13 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal

illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

9.5.12 **Waivers.** The Planning Board may grant waivers from some or all of the requirements set forth in Sections 9.5.9 through 9.5.11, and/or some or all of the dimensional, parking and sign requirements contained elsewhere in this bylaw if, in its determination, such waivers will result in a substantially improved project, and if, in its determination, such project will otherwise meet the performance and design standards set forth in this Section, and if, in its determination, such waiver will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of this Section.

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than fifty percent (50%) of the total gross floor area of any project authorized under a FMUOD Special Permit. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said residential units will have no negative fiscal impact on the town . The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed fifty percent (50%) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use.

9.5.14 **Housing Affordability Requirements.** In any project authorized under a FMUOD Special Permit which will result in the development of more than ten (10) new residential units, a minimum of fifteen percent (15%) of total housing units shall be "affordable" as defined in the Rules and Regulations, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

9.5.15 **Performance and Design Standards.** No FMUOD Special Permit shall be granted unless the Planning Board finds that the project meets the following performance and design standards:

9.5.15.1 **Performance Standards.**

9.5.15.1.1 **Environmental Impact Standards.** All FMUOD projects shall conform to all applicable Environmental Impact Standards, including but not limited to the following areas of potential impact:

9.5.15.1.1.1 **Air Quality.** Any use or activity which requires an air quality permit from the Massachusetts Department of Environmental Protection (MA- DEP) or successor agencies, under 310 CMR 6.00 to 8.00, as amended from time to time, shall require the submission of documentation that such air quality permit has been applied for or obtained.

9.5.15.1.1.2 **Noise.**

- a. Any use or activity on a property shall not produce sound pressure levels that exceed an existing background sound pressure level in excess of:
  - i. 10dBA at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
  - ii. 15dBa at any outer perimeter boundary of the development tract that abuts any predominantly non-residential district.
  - iii. 15dBa anywhere within the development tract.

Background or existing sound pressure level is defined as the level on the A-weighted sound pressure scale that is exceeded 90% of the time in the quietest 60 minute time interval that occurs during any hours of operation.

- b. Impulsive or intermittent sounds shall not exceed the sound pressure level limits in 9.6.14.1.1.2, a. i., ii. & iii. above, for a duration not to exceed a cumulative total of one minute within any single hour.
- c. No user or activity shall produce a sound pressure level that is in excess of:
  - i. 50dBA nighttime and 60dBA daytime at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
  - ii. 60dBA nighttime and 65dBA daytime at any perimeter boundary of the development tract that abuts any predominantly non-residential district.
  - iii. 65dBA anywhere within the development tract.
- d. “Pure tone” conditions that are typically produced by facilities such as heating, ventilation and air conditioning systems, outdoor transformers or energy generation systems shall be designed so as to generally comply with widely-applied standards for pure tone levels from the American Noise Standards Institute/American Standards Association. ANSI/ASA S3.21-2004 (R2009) as amended from time to time.

9.5.15.1.1.3 **Vibration.** Any use or activity shall not produce vibration, measured at any receptor internal or external to the permitted site, that exceeds the combined-axis, one-third octave band vibration accelerations of the

American National Standards Institute, Section 3.29 or currently applicable standards regulating human vibration exposure, or associated sound levels in the 31.5 Hz octave band or lower, in which a sound pressure level of 65 dB is exceeded. Exceptions shall include public gatherings and special events, emergency and public safety vehicle operations, use of outdoor maintenance equipment, temporary construction of buildings or infrastructure, or similar activity conducted for public benefit.

9.5.15.1.1.4 **Electrical Disturbances.** Any use or activity shall not produce electromagnetic interference on a repeat or prolonged basis, in any electrical or electronic device used by receptors internal or external to the permitted site.

9.5.15.1.1.5 **Cultural, Historical and Archeological Resources.** Where there is evidence on a development tract of a resource that is on or eligible for inclusion on the Massachusetts Register of Historic Places, or where the tract overlies a designated Historic District under state or federal auspices, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to the cultural, historic or archaeological resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.6 **Natural Resources and Habitat.** Where there is evidence on a development tract of sensitive natural resources, whether in the form of vegetation communities, wildlife habitat or hydrological systems, especially as identified in the Massachusetts Natural Heritage Program, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to those resources.

Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.7 **Construction Solid Waste Management.** An application shall include documentation of satisfactory arrangements for the disposal of tree stumps and debris resulting from construction. An application shall also include documentation of satisfactory permanent arrangements for on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

9.5.15.1.1.8 **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the infrastructure shall be subject to reasonable visual mitigation requirements, including but not limited to, modified site location, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods determined by the Planning Board to be necessary to assure an attractive visual environment.

9.5.15.1.2 **Water Quality.** If a site authorized for development pursuant to a FMUOD Special Permit is located within a Water Resources Protection Overlay District established under Section 9.3 of this Bylaw, and any use or activity subject to said special permit requires a special permit under Section 9.3.5 therein, the Planning Board shall be the Special Permit Granting Authority for the Water Resources Protection Special Permit, and that required special permit shall be consolidated into the FMUOD Special Permit.

9.5.15.1.3 **Compatibility of Uses and Activities.** Any development authorized under a FMUOD Special Permit must contain a

compatible mix of uses sufficiently advantageous to the Town. Developers are strongly encouraged to include a beneficial mix of office and non-office uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.

9.5.15.2 **Design Standards.**

9.5.15.2.1 **Building Design.**

9.5.15.2.1.1 **Context.** Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. The Planning Board may require a modification in massing or layout so as to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing. Where the nature of the following design features is considered by the Planning Board to be significant to the preservation or enhancement of the desirable visual quality and property values of a particular area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials

for sills, lintels, frames and thresholds and any other major design elements.

9.5.15.2.1.3 **Visual Relief.** Structures shall include one or more features which create visual relief, such as varied roof lines, articulated building facades, including a higher level of treatment on one or more primary facades as designated by the Planning Board; elements of transparency or windows within a facade to provide architectural contrast and interior views; breaking up of continuous building surface by providing space between structures and/or jogs in the building line or plane; signs, vertical free-standing elements or other elements. Complementary use of public pedestrian spaces may also be considered as a contributory element.

9.5.15.2.1.4 **Energy Efficiency.** Insofar as practicable, projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

9.5.15.2.2 **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall comply with the applicable standards contained in the Planning Board's Rules and Regulations Governing the Subdivision of Land, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation. The Planning Board may waive any such provisions to permit an alternate design standard, if in its determination, doing so enhances the project, is consistent with the purposes of this Section, and does not

negatively impact access, safety, or environmental protection.

9.5.15.2.3

**Circulation, Traffic Impact & Public Street Access.**

Development authorized under a FMUOD Special Permit shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates all feasible transportation modes, vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include separated pedestrian and bicycle circulation, wherever feasible. Review of site circulation shall include: entrances and approaches, ramps, walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated to the satisfaction of the Planning Board. Each facility, to the extent feasible, shall accommodate alternative means of transportation, including bicycle routes and pedestrian ways separated by grade or physical division from vehicular circulation; internal shuttle bus routes where warranted; accommodation of vehicles for regional transit connections; and convenient and safe connections to sidewalks and streets in adjacent business areas and neighborhoods, in order to encourage non-vehicular travel. Minor improvements designed to facilitate alternative transportation, such as shuttle bus turn-outs at individual buildings, bicycle racks, and directional signage shall be provided to the satisfaction of the Planning Board.

9.5.15.2.4

**Open Space and Common Landscaped Areas.**

9.5.15.2.4.1

**Attractive Utilization of Existing Open Space.**

Existing natural landscapes, including trees and vegetation, shall be preserved in their natural state ~~to~~ in so far as practicable. Such open space may be attractively utilized to meet minimum open space requirements, buffering and screening needs, or landscaping requirements. Existing surface waters shall be similarly used as a site amenity, subject to protection under the

MA Wetlands Protection Act. All open space which cannot be preserved in its natural state shall be replanted as far as practicable with new plantings that establish similar effects on the landscape.

9.5.15.2.4.2 **Site Disturbance.** Soil removal shall be minimized and major grade changes avoided, in so far as practicable. Grade changes and elevations shall be consistent with adjacent developed areas in so far as practicable.

9.5.15.2.4.3 **Public Amenity Areas.** Development authorized under a FMUOD Special Permit shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways, driveways and parking surfaces. Public amenity areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties. The Planning Board may accept other public amenities which, in its determination, are appropriate for the development in substitution of such public amenity area.

9.5.15.2.5 **Stormwater Management.**

9.5.15.2.5.1 **General.** Stormwater management systems serving the proposed development shall be designed in conformance with the Massachusetts Department of Environmental Protection Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs and canopies in a manner that avoids adverse drainage impact on any neighboring property.

Where possible, the review of stormwater plans and associated materials by the

Planning Board shall be coordinated with any Conservation Commission review of the same.

9.5.15.2.5.2 **Erosion and Sedimentation Controls.** A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts.

9.5.15.2.5.3 **Alternative Design.** Where space, topography, soils and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems. Examples of LID practices include, but are not limited to vegetated swales, filtration strips, rain gardens or other bio-retention cells, disconnection of impervious surface areas, reduction of impervious surface, retention of existing open space, vegetated rooftops, and other methods.

9.5.15.2.6 **Off-Street Parking.**

9.5.15.2.6.1 **Parking Types and Design.** Any combination of surface, under-building and structured parking may be included in development authorized under a FMUOD Special Permit, provided that the parking plan is found by the Planning Board to be adequate to meet the purposes of this section. Parking may be provided at ground level, but with preference given to sub-grade or structured parking. In all cases, parking areas shall be designed to minimize paved surface area. In developments or portions of developments where structures are at or close to the street line in an urban or village layout, parking shall generally be located to the sides, rear, or below said structures.

- 9.5.15.2.6.2 **Surface Lots.** Surface parking lots shall generally be provided in multiple, distinctly separated lots, screened and landscaped in accordance with Section 6.1.17. Separation of parking lots may occur by means of intervening open space, landscaped areas, buildings or other structures, streets or physical elements clearly delineating a division between two or more parking lots. The number of entrances and exits shall be the minimum necessary to ensure traffic safety.
- 9.5.15.2.6.3 **Parking Structures.** Parking structures may be free-standing or may be integrated into the structural design of a building containing a principal use authorized by the FMUOD Special Permit. Parking structures and decks shall contain architectural facing or other articulation or visual relief on all primary or highly visible facades, as determined by the Planning Board.
- 9.5.15.2.6.4 **Pedestrian Facilities.** Sidewalks or multi-purpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces or other destination points within the development.
- 9.5.15.2.6.5 **Loading Areas.** Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street or way while loading or unloading, or while waiting to load or unload.

9.5.15.2.7 **Exterior Lighting.**

9.5.15.2.7.1 **General.** Exterior lighting specifications and requirements shall be in compliance with Section 6.4.

9.5.15.2.7.2 **Design Standards.** Lighting shall be designed so as to avoid light trespass and glare on adjacent neighborhoods, business areas and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally used areas shall be reduced after business hours, particularly where access is limited by gated entry.

9.5.15.2.8 **Public Utilities, Water and Sewer Systems.** All developments authorized under a FMUOD Special Permit, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.

9.5.15.2.9 **Communications Facilities.** All towers, antennas and poles permitted under a consolidated FMUOD Special Permit with consolidated WCOD Special Permit shall be sited, designed and sized to have minimal visual impact on nearby properties.

9.5.16 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a FMUOD Special Permit.

9.5.16.1 **Pre-application Conference.** Applicants may elect to submit, prior to filing a special permit application, a preliminary application and sketch plan as the basis for preliminary discussion with the Planning Board, following which the Board shall provide non-binding guidance in regard to the development proposal. The Board may consult with other regulatory departments and committees in the formulation of its response. The sketch plan shall meet the submission requirements specified in the Rules and Regulations.

9.5.16.2 **Application and Submittal Requirements.** An application for a FMUOD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity

specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.

- 9.5.16.3 **Planning Board Review.** The Planning Board's review and consideration of an application for FMUOD Special Permit shall be in conformance with the Rules and Regulations.
- 9.5.16.4 **Public Hearing Required.** The Planning Board shall hold a public hearing within sixty (60) days of the filing date of said application and shall render a decision within one hundred and eighty (180) days from the date of the opening of the public hearing. Failure to take final action within the one hundred and eighty (180)-day period shall be deemed to be a constructive approval of the special permit, unless the applicant and the Planning Board execute a written extension agreement.
- 9.5.16.5 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a FMUOD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 9.5.16.6 **Special Permit Decision.** A FMUOD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.
- 9.5.16.7 **Conditions.** A FMUOD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.
- 9.5.16.8 **Performance Guarantee.** The Planning Board may require that the applicant provide a performance guarantee, in the form and amount required pursuant to the Rules and Regulations.
- 9.5.16.9 **Impact Mitigations.** Since approval of a FMUOD Special Permit authorizes substantial increases in permissible densities of population and employment, a condition of the FMUOD Special Permit shall be that the project shall mitigate some or all of the impacts of those density increases on water and sewer utilities, off-site traffic circulation, facilities, and

schools through grants and incentives obtained from other agencies, or from contributions at the expense of the applicant.

- 9.5.16.10 **Non-Regulatory Agreements.** Development under a FMUOD Special Permit, in addition to compliance with provisions of this Section and other regulatory provisions, may involve memoranda of understanding or non-regulatory agreements reached between the Applicants and the Town, and possibly other entities. Said non-regulatory agreements shall be incorporated by reference and made part of a FMUOD Special Permit.
- 9.5.16.11 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for FMUOD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.
- 9.5.16.12 **Special Permit Modification.** Once a FMUOD Special Permit has been granted by the Planning Board, any subsequent change which the Building Commissioner determines will substantially affect or alter the visual appearance of the project, or of any building facade or roof within the project, or will substantially affect or alter traffic flow, or will constitute a significant modification to the site plan, will be considered a major modification, and will require the submission of an application for amendment of the FMUOD Special Permit. Said application for amendment shall be considered in accordance with the same standards and procedures set forth in this Section for the approval of the original application. Any modification, which the Building Commissioner determines not to rise to the level of a major modification, shall be considered a minor modification, and may be authorized by a majority vote of the Planning Board. However, if the Planning Board in its review determines such modification to constitute a major modification, it shall require the submission of an application for amendment of the FMUOD Special Permit.
- 9.5.16.13 **Appeals.** Appeals to a court of competent jurisdiction may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. Such appeals shall be filed in court within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.
- 9.5.16.14 **Lapse.** A FMUOD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the FMUOD Special Permit. The Planning Board may extend such approval, for good cause, upon the written request of the applicant pursuant to procedures established under the Rules and Regulations.

9.5.17 **Superseding Provisions.** In the event of any conflict between the provisions of this Section and other sections of the Zoning Bylaw, the provisions of this Section shall govern and control. Following the completion of construction of a project developed pursuant to a FMUOD Special Permit granted under this Section, all requirements applicable to underlying zoning shall be superseded by the terms and conditions of the FMUOD Special Permit.

## 9.6 UPPER STORY RESIDENTIAL OVERLAY DISTRICT (USROD)

9.6.1 **Purpose.** The purpose of the Upper Story Residential Overlay District (USROD) is as follows:

9.6.1.1 to permit the most beneficial redevelopment and reuse of municipal buildings which are no longer required for municipal use;

9.6.1.2 to promote appropriate solutions to the redevelopment of existing buildings in the High Street area.

9.6.2 **Location.** The USROD is herein established as an overlay district. The USROD shall include all properties fronting on High Street, between Barlow Lane and Gay Street, which were improved with one or more buildings and were either municipally-owned as of January 1, 2011 or are municipally-owned at the time of application.

9.6.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all USROD Special Permits.

9.6.4 **Special Permit Required.** Development under this Section requires a USROD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the USROD Special Permit. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the USROD Special Permit, and no separate EIDR Approval shall be required.

9.6.5 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the USROD may be used for any purpose permitted as of right or by special permit in the underlying district. In addition, one or more upper story dwelling units may be permitted to the extent authorized under a USROD Special Permit.

9.6.6 **Regulations.** Unless the Planning Board adopts specific rules and regulations for the administration of this Section, the Planning Board's General Special Permit Granting Authority Rules and Regulations shall apply (henceforth referred to as the "Rules and Regulations").



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**H. Industrial Mixed Use Overlay (Bedford, MA)**

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## **15. INDUSTRIAL MIXED USE**

### **15.1 General Purpose**

The Industrial Mixed Use special permit from the Planning Board is intended to foster desirable economic development for the community, by facilitating the development and redevelopment of sites that encompass combinations of land use that are different but compatible and economically complementary to one another. Projects may consist of multiple uses contained in a single building, or campus-type configurations involving more than one building on one parcel (or contiguous parcels in common ownership). In either case, the development is intended to improve site and community amenities, reduce environmental impacts and add value to property.

### **15.2 Authority and Applicability**

#### **15.2.1 Special Permit Granting Authority**

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments.

#### **15.2.2 District Applicability**

An Industrial Mixed use special permit shall be allowed in the following districts: Industrial Park A, Industrial B, Industrial C, and Commercial.

#### **15.2.3 Master Planning and Phasing Option**

Industrial Mixed Use development projects may be submitted at the applicant's discretion in a master planned permitting structure, wherein a general special permit is granted with the expectation that detailed phasing plans will be submitted for special permit review upon their readiness for construction.

### **15.3 Development Objectives & Plan Review Criteria for Industrial Mixed Use Projects**

The following are the Development Objectives to which all IMU special permit projects shall aspire, and the Review Criteria which the Planning Board shall apply in evaluating all IMU special permit applications:

#### **15.3.1 Development Objectives**

In proposing projects under the Industrial Mixed use special permit, applicants shall consider and strive to attain the following objectives, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof:

Generate harmonious clusters of economic activity where the uses complement one another and in doing so help the community at large.

Facilitate combinations of uses that reflect the viable and emerging businesses of all types associated with the economy of the Boston metropolitan region and the Commonwealth of Massachusetts.

Invest capital to beautify properties and increase the physical and visual integration of uses and buildings.

#### **15.3.2 Plan Review Criteria for Industrial Mixed Use Projects**

Plans reviewed by the Planning Board under an IMU special permit shall be evaluated in terms of the

following criteria, wherever applicable, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof, and subject to appropriate findings by the Planning Board:

The determination that the uses proposed are complementary to and compatible with one another economically and in terms of site usage, and that the mix of uses furthers the intent of this section and the zoning bylaw.

Where multiple buildings are involved, the extent to which improvements are included that will establish or enhance the distinct visual relationship of the buildings to one another, using elements such as: the physical siting of the buildings themselves; open space; common areas; landscaping; trails and walks; or other site amenities to define and reinforce that relationship.

The accommodation in site design of pedestrian walks and trails, bicycle travel and off-site connectivity to other trails, conservation areas and destinations.

The reduction or avoidance of large concentrations of at-grade parking lots in favor of smaller, multiple lots where possible, or alternatively, to break up large expanses of pre-existing parking with landscape and pedestrian features.

The use of viable shared parking arrangements, to minimize the amount of parking, impervious surface and stormwater runoff.

The incorporation of low impact development techniques to provide or supplement stormwater management.

The adequate addressing of all conventional site design issues, such as internal traffic circulation, public safety, provision of utilities and other aspects normally seen in all plans.

#### **15.4 Permitted Uses**

The following uses shall be allowed by special permit in Industrial Mixed Use developments, including a modification to Table I under the Commercial district column, to change the allowed status of industrial mixed uses from “No” (not permitted) to “SP” (allowed by special permit):

- Business and Professional Offices
  - General offices: corporate and multi-occupancy
- Light Manufacturing
  - Computer and related manufacturing or assembly
  - Electronics parts, circuitry and products, manufacturing or assembly
  - Medical device research, manufacturing or assembly
- Information Technology & Life Sciences
  - Information technology & data Storage
  - Software Development & Services

- Bio-pharmaceuticals research, development and manufacturing
- Industrial biotechnology or informatics
- Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control
- Earth sciences, environmental research, testing & development
- Health Care
  - Medical clinics, offices & services
- Institutional & Educational
  - Educational and training, for profit
  - Non-profit foundation or institutional use
  - Educational or child care facility, exempt under MA law
- Retail & Services
  - Retail and personal services stores with gross floor area not exceeding 10,000 square feet
  - Bank
- Restaurants, Hostelry & Recreation
  - Restaurants with sit-down table service, not of the fast order or drive-through type, but not excluding take-out service.
  - Hotel (Industrial Districts only)\*
  - Fitness businesses, any type, with gross floor area not exceeding 10,000 square feet
  - Recreation or cultural business with gross floor area not exceeding 5,000 square feet
- Other Uses
  - Other uses determined to be fully compatible with those in this section but not listed herein
  - Municipal facilities
- Accessory Uses
  - Free-standing parking structure
  - Private or public solar array

- Common utility, power and communication facilities with screening and planting appropriate to the site & abutting uses.

### **15.5 Mixed Use Minimum Criteria**

The following are the minimum thresholds for constituting an IMU development:

#### 15.5.1 Minimum Number of Uses

The proposed IMU development must have a minimum of two distinct uses as defined by the allowable uses in this section, whether contained in a single building or multiple buildings.

#### 15.5.2 Minimum Mixed Use Floor Area

No single use or like grouping of uses shall occupy more than 92% of the gross floor area of a single building or 94% of the total GFA of all buildings on the site.

### **15.6 Density**

The following are the maximum density entitlements for an IMU special permit. The Planning Board may limit any development project to less than these density entitlements for circumstances that are necessary to protect the public interest or other properties, or to further the aims of this section and the Zoning Bylaw:

#### 15.6.1 Maximum Floor Area Ratio (FAR)

The FAR for any IMU development shall not exceed .35.

#### 15.6.2 Increase in FAR

The FAR may be increased to .40 in cases where a Shared Parking Plan has been

submitted and has demonstrated to the satisfaction of the Board by means of a finding that it will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said finding shall be based on a determination that due to any combination of factors among the participating businesses such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among businesses, a reduction in the required parking supply for the project is justified.

**15.7 Dimensional and Performance Requirements**

The following standards shall apply to all development projects seeking an IMU special permit:

**15.7.1 Flexibility Criteria**

It is the intent of this section to allow for a high degree of flexibility in the design or retrofitting of projects seeking an IMU special permit, in terms of the dimensions provided for the proposed development. The Planning Board shall determine the adequacy of the proposed dimensions and may adjust proposed dimensions upward or downward in accordance with the following criteria:

Adequacy of setbacks, yards and parcel perimeter buffering to avoid negative impacts on abutting and nearby uses from buildings or parking associated with the IMU development

Aesthetic enhancement for the immediate vicinity and the wider area or district

Use of existing site amenities within setback areas, including vegetation,

landscaping, topographic characteristics, stone walls, surface water or other features.

**15.7.2 Dimensional minima and maxima for the full development parcel:**

Minimum Lot Area: One (1) acre

Minimum Frontage: As in existing zoning district, but may be reduced by the Planning Board within the IMU special permit discretionary authority.

Minimum Front Setback: As in existing zoning district, but may be reduced by the Board.

Minimum Side and Rear Yards: As in existing zoning district, but may be reduced by the Board.

Maximum Building Height As in existing zoning district.

Minimum Lot Landscaping 30%

Maximum Lot Coverage 35%

**15.8 Parking Requirements, Site Access, Transportation**

The following are the flexible parking provisions for an IMU development:

**15.8.1 Type of Facility**

Parking may be provided at ground level, at sub-grade within buildings or in attached or detached parking structures.

**15.8.2 Parking Site Location & Distribution**

Parking within the front setback of buildings shall be confined to spaces for vehicles involving: visitors: emergency services: handicapped access: drop-off and pick-up of people or goods: transit systems and preferred spaces for certified car and van

pool users operating through an organized trip reduction program.

All other parking shall be located at the rear or side of buildings.

Effort shall be made to distribute parking among multiple smaller lots rather than in one or more large expanses of parking, or, in the event of pre-existing large concentrations of parking, to provide visual and functional relief by means of landscaping, separation, pedestrian ways and other amenities.

#### 15.8.3 Parking Quantity

Total parking supplied on site shall be evaluated by the Planning Board for adequacy to serve the proposed mix of uses.

After the parking required by zoning and any existing parking spaces are verified by the Code Enforcement Director, the Board may deem parking supply excessive or inadequate and request revision of the parking plan, or it might deem the parking to be adequate.

In determining adequacy, the Board shall take into account whatever combination of pre-existing and newly proposed parking spaces constitutes an optimum quantity, and shall make a finding to that effect.

Electric vehicle charging stations may be located within any parking area.

Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply.

#### 15.8.4 Shared Parking

Shared parking arrangements may be proposed to reduce the extent of parking lots and impervious surface and reduce stormwater runoff. A Shared Parking Plan shall be provided in these instances, documenting that the planned arrangements will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said Plan shall substantiate that the targeted parking reduction is viable among building occupants due to any combination of factors such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among the businesses. Significant changes to these circumstances or to the participating businesses may require a special permit minor modification before the Planning Board. Shared Parking Plans may be submitted for a minor special permit modification at any time after the development is operational, for the purpose of avoiding anticipated future parking demand that might exceed the capacity of the site.

#### 15.8.5 Reserve Parking

The Planning Board may consider for approval the placing of some of the on-site parking supply into future reserve status, where it remains unbuilt until needed, provided the Board finds that the immediate parking demand is satisfied by the constructed parking spaces. Construction of such parking areas, should it involve minimal adjustment to previously approved parking quantity or physical layout, shall be subject to a minor special permit amendment.

#### 15.8.6 Curb Cuts

The Planning Board shall determine that the number of curb cuts shown on the Plans to serve the site along any frontage, including frontage on more than one street, is adequate but not excessive, considering both pre-existing and newly proposed curb cuts. This determination shall be made in consultation with DPW Engineering and may include referral to the Selectmen sitting as Road Commissioners.

#### 15.8.7 Transportation Mitigation

##### A) Trip Reduction

In IMU development projects that it deems to be sufficiently large in number of employees and regular in terms of peak hour commuting patterns, the Planning Board may require as a condition of the special permit participation in a transportation management association, existing transit shuttle bus or other trip reduction program.

##### B) Traffic Mitigation

In IMU development projects where, after Department of Public Works or other engineering review, determines that the net traffic increase will be of sufficient impact to result in traffic congestion at site curb cuts and/or reduction of level of service at area intersections, the Planning Board may require as a condition of the special permit that improvements be made within the public right of way to mitigate traffic impacts. Such mitigations shall be subject to review and approval by the Selectmen acting as Road Commissioners. Performance guarantees to secure the proper construction of off-site traffic mitigations may be required by the Planning Board, in consultation with DPW Engineering. Alternatively, or in addition to, any physical improvements, other means of reducing traffic congestion may be required,

including but not limited to contributions to a relevant traffic study or an adjacent capital improvement project being carried out under other auspices.

#### 15.9 Application

The following are the requirements for submission of IMU special permit application materials. The Planning Board may waive the provision of select items if felt to be unnecessary for or inapplicable to the development project, or may do so by delegation to professional staff:

##### 15.9.1 Plan Submission: Format & Quantities

A) Plan sets and other relevant graphic materials: the applicant shall submit the following: a digital PDF file of the full plan set and other graphic materials; ten (10) paper copies of the full plan set and other graphic materials at the 11" x 17" dimension; three (3) plan sets at full 24" x 36" size; and, at the discretion of the Planning Department staff and Department of Public Works engineering staff—Autocadd files for the project plan set in original CADD format and/or in readable drawing format .

B) All text documentation and application materials: the applicant shall submit the following: a digital PDF file of all required and voluntarily-provided materials; ten (10) paper copies of same.

##### 15.9.2 Plan Submission Content

Plans of the site and related engineering details shall be stamped by a registered professional engineer licensed to practice in Massachusetts. Plans shall generally follow the submission requirements in Section 7.5.2.1, paragraphs (a) through (e), subject to modification on a case basis, but typically shall include the following: cover sheet,

legend and notes; existing site conditions; general site layout; grading and topography; stormwater management; utility plans; detailed landscape plans, the final version of which shall be stamped by a registered landscape architect licensed to practice in Massachusetts; and as many sheets as are needed to portray engineering details covering all aspects of utilities, infrastructure and site engineering and construction. If pertinent, the package may include traffic diagrams; building elevation drawings; impact analysis for designated aspects of the project, or other material pertinent to the proposed development.

#### 15.9.3 Other Submission Materials

Submission packages shall include the Application Form; a Cover Letter; Drainage Calculation Reports; and other material deemed to be necessary in pre-application communications. Additional material may include, on a case basis as needed, traffic impact analysis; groundwater protection studies and plans; operation and maintenance plans for on-site utilities; common maintenance agreements; analyses in aspects of project impact; and other materials deemed to be necessary by the Planning Department or Board.

#### 15.10 Planning Board Findings

A special permit shall be issued under this section if the Planning Board finds that the development is in harmony with the Purposes and the Objectives and Review Criteria of this section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Industrial or Commercial District in which the development is located.

#### 15.11 Amendments

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

\* A hotel located therein in the Industrial Park A, Industrial B, Industrial C districts may contain, in addition to guest rooms, lodging units that are suites with permanent cooking facilities for temporary or intermittent stay required for guests who are there as temporary occupants engaged in business activity, or if for other purpose, subject to the limitations of 4.2.6.1 in this zoning bylaw.



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I. **Suggested Zoning Bylaw Organization (Westborough, MA)**

**TOWN OF WESTBOROUGH ZONING BYLAWS  
DATED FEBRUARY 2, 1990  
With Amendments through October 15, 2012**

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**ARTICLE 1. ADMINISTRATION AND PROCEDURE**

1100. Purpose

1200. Administration

1300. Board of Appeals

1400. Amendments

1500. Separability

1600. Applicability

1700. Effective Date

**ARTICLE 2. DISTRICT REGULATIONS**

2100. Establishment of Districts

2200. Use of Regulations

2300. Use Regulations Schedule

2400. Nonconforming Uses

2500. Dimensional Regulations

2600. Dimensional Regulations Schedule

**ARTICLE 3. GENERAL REGULATIONS**

3100. Parking and Loading Requirements

3200. Environmental Controls

3300. Sign Regulations



#### **ARTICLE 4. SPECIAL REGULATIONS**

[4100. Earth Moving Regulations](#)

[4200. Multi-Family Dwellings](#)

[4300. Open Space Community](#)

[4400. Accessory Uses and Structures](#)

[4500. Flood Plain District](#)

[4700. Aquifer & Watershed Protection District](#)

[4800. Special Permits for Adult Uses](#)

[4900. Downtown Planning Overlay District \(DPOD\)](#)

[5000. Transit Oriented Village for Special Permit in Industrial C Zone](#)

[5100. Gateway 2 District](#)

[5200. Multi-Family Housing in the Highway Business District](#)

[5300. Senior Living Overlay \(SLO\)](#)

[5400. Industrial D Overlay District \(ID\)](#)

[5500. Mixed Use District \(MUD\)](#)

[5600. Large-Scale Ground-Mounted Solar Photovoltaic Installations](#)

#### **ARTICLE 5. DEFINITIONS**

#### **BY-LAW CHANGE LOG**



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## J. Best Practices

### Process and Approval

- Expand Staff level administrative approvals
- Implement/expand by right zoning opportunities
- Simplify category approval tracks: to process to type and complexity of proposed development i.e. development thresholds

### Simplify Zoning Categories

- Consolidate number of base zones
- Limit number of overlay zones
- Apply “Form Based Code” type elements to “special areas
- Modernize and simplify development/performance standards (administrative and by-right approvals)

### Mixed Use

- Apply in appropriate places where market is supportive
- Development standards should provide options in order to adjust to market changes
- Integrate/incentivize residential, commercial, employment and civic uses
- Create a network of public spaces and require connectivity
- Standards should support creating human scale buildings that fit with surrounding context

### Use Tables and Regulations

- Simplify Use Tables by using broad, inclusive categories
- Identify examples in each category



### **Development Standards**

- Illustrate standards liberally with graphics and diagrams-reduce words
- Organize development standards in one place

### **Promoting Redevelopment**

- Provide incentives- density bonuses (FAR), streamlined review, reduced parking etc.
- Provide flexibility to accommodate market shifts
- Provide/expand by-right zoning opportunities



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## K. Development Incentives

Following is a list of development incentives that may be included in the regulations to help facilitate development or redevelopment of underutilized properties. As the market analysis work advances, it will make specific recommendations around which incentives are most appropriate for specific industry sectors/businesses. As such, the list that follows should be viewed as a work in progress that will be further refined in the coming weeks.

### **Municipal Tax Abatements**

[http://www.ct.gov/eec/lib/eec/sec\\_12-65\\_\(b\).pdf](http://www.ct.gov/eec/lib/eec/sec_12-65_(b).pdf)  
<http://www.town.wallingford.ct.us/images/customer-files//RealPropTaxIncAgreeI5F121613.pdf>

Each municipality in the State of Connecticut has the ability to offer, on a sliding scale depending on level of investment, local tax abatements for both real estate and manufacturing machinery and equipment.

### **Urban and Industrial Site Reinvestment Tax Credit Program**

<http://www.ct.gov/eec/cwp/view.asp?a=3690&q=249842>

An eligible Urban Site Investment Project is defined as an investment that will add significant new economic activity, increase employment in a new facility and generate significant additional tax revenues to the municipality and the state.

Communities that may participate in the Urban Site Investment Tax Credit Program are those that have an enterprise zone, have been designated as a distressed municipality or have a population in excess of one hundred thousand.

An eligible Industrial Site Investment Project is defined as an investment made in real property, or in improvements to real property, located within Connecticut that has been subject to environmental contamination. The investment will return the property to a viable business condition that will add significant new economic activity, increase employment and generate additional tax revenue to the state and the municipality in which the property is located.

The real property of an "eligible industrial site investment project" or an "eligible urban reinvestment project" may be eligible to receive a 50% property tax abatement



on that portion of the property tax due that is attributable to the increased value of such property as a result of the approved remediation, construction or other development.

### **Enterprise Zone**

<http://www.ct.gov/ecd/cwp/view.asp?a=1097&q=249762>

Groton is a designated Enterprise Zone municipality by way of special legislation due to the impact of severe defense industry cutbacks, each representing a minimum of 2,000 lost positions.

There are basically two business incentives associated with an Enterprise Zone location:

- A five-year, 80% abatement of local property taxes on qualifying real and personal property, subject to the property being new to the grand list of the municipality as a direct result of a business expansion or renovation project, or in the case of an existing building, having met the vacancy requirement. The property tax abatement is for a full five-year period and takes effect with the start of the first full assessment year following the issuance of a "Certificate of Eligibility." Statutory reference to these benefits can be found in [CGS 32-9p](#), [32-9r](#), [32-9s](#), [12-81\(59\)](#) and [12-81\(60\)](#).
- A ten-year, 25% credit on that portion of the state's corporation business tax that is directly attributable to a business expansion or renovation project as determined by the Connecticut Department of Revenue Services. The corporation tax credit is available for a full ten-year period and takes effect with the start of the business' first full fiscal year following the issuance of a "Certificate of Eligibility." The corporate tax credit increases to 50% if a minimum of 30% of the new full-time positions are filled by either zone residents or are residents of the municipality and are WIA eligible. The statutory reference for this benefit is [CGS 12-217\(e\)](#).

Newly formed corporations located in a zone qualify for a 100% corporate tax credit for their first three taxable years and a 50% tax credit for the next seven taxable years. The corporation must have: (1) at least 375 employees - at least 40% of which are either zone residents or are residents of the municipality and who qualify for the Workforce Investment Act, *or* (2) has less than 375 employees - at least 150 of which are zone residents or are residents of the municipality and who qualify for the Workforce Investment Act.

Any businesses engaged in biotechnology, pharmaceutical, or photonics research, development or production, with not more than three hundred employees, are eligible for Enterprise Zone benefits if they are located anywhere in a municipality with (1) a major research university with programs in biotechnology, pharmaceuticals



or photonics and (2) an Enterprise Zone. Benefits are subject to the same conditions as those for businesses located in an Enterprise Zone.

### **Entertainment District**

<http://www.ct.gov/ecd/cwp/view.asp?a=1097&q=249762>

A municipality with a designated Enterprise Zone, such as Groton, is defined as a Targeted Investment Community. The community can therefore designate other areas within the municipality “as having the equivalent of Enterprise Zone-level benefits. This includes designating an Entertainment District, under certain circumstances. In the event that an eligible entertainment-related project takes place within the boundaries of the designated Entertainment District, the municipality has the option of providing a 100% property tax abatement for the eligible project for up to seven years, rather than the standard tax abatement of 80% for five years.

### **Incentive Housing Zone**

<http://www.pschohousing.org/homeconnecticut-program>

An Incentive Housing Zone is an area which has a zoning overlay that allows developers to increase housing density in exchange for creating mixed-income housing. The program provides municipalities with complete control over the location, amount, type and design of the homes created, while also offering a tool that allows all residents of a town to have input into housing decisions: where it should be built, what it should look like, or whether it should be created at all.

Towns that choose to create more housing using the HOMEConnecticut program can create an Incentive Housing Zone (IHZ) with only two requirements:

- That at least 20% of the units in the zone be affordable for households earning 80% of the area median income or less, and
- That the zoning allows at least 6 single-family, 10 townhomes or duplexes, or 20 multifamily housing units per acre. (Rural towns and developments in which all of the units are affordable may request a density waiver from OPM.)

When an IHZ is created, towns then qualify for:

- Zone Adoption Incentives of \$20,000 when the zone is approved by OPM.
- Building Permit Incentives between \$15,000 and \$50,000, when housing is built in the IHZ.

Towns may use Incentive money for any purpose.



## **Sales and Use Tax Exemption**

Sales and use tax relief on the purchase of tangible personal property for qualifying retention and expansion projects or projects that significantly contribute to a targeted industry cluster. The minimum investment in eligible property must equal \$5 million and a total award must not exceed \$10,000 per new job created and \$2,000 for each retained position.

## **Tax increment Financing (TIF)**

Bill 677: An Act establishing Tax Incremental Financing Districts was recently passed into law in June 2015. According to the Connecticut Chapter of the American Planning Association the new TIF law will make TIF's a flexible tool where tax increments could be used for a variety of purposes such as downtown revitalization projects, transit-oriented development, incentive housing developments, and even park and streetscape improvements. TIFs will now be able to be used for districts like downtown neighborhoods rather than individual development projects. TIF's will also be able to be used for smaller projects in small towns.

[http://www.ccapa.org/wp-content/uploads/2015/04/HB\\_677\\_Position\\_Statement.pdf](http://www.ccapa.org/wp-content/uploads/2015/04/HB_677_Position_Statement.pdf)

## **New Market Tax Credits**

The New Market Tax Credit (NMTC) program attracts capital to low income communities by providing private investors with a federal tax credit for investments made in businesses or economic development projects located in some of the most distressed communities in the nation – census tracts where the individual poverty rate is at least 20 percent or where median family income does not exceed 80 percent of the area median.

A NMTC investor receives a tax credit equal to 39 percent of the total Qualified Equity Investment (QEI) made in a Community Development Entity (CDE) and the Credit is realized over a seven-year period, 5 percent annually for the first three years and 6 percent in years four through seven. If an investor redeems a NMTC investment before the seven-year term has run its course, all Credits taken to date will be recaptured with interest.

## **Urban Sites Remedial Action Program**

[http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav\\_GID=1626#UrbanSitesProgram](http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav_GID=1626#UrbanSitesProgram)

The Urban Sites Remedial Action Program was created for DEEP and DECD to address a key constraint to the conveyance and reuse of contaminated properties – the fear purchasers and investors have of assuming environmental liability for pollution created by others. The Urban Sites Remedial Action Program facilitates the transfer,



reuse and redevelopment of potentially polluted commercial and industrial real property which otherwise would remain vacant and unproductive for the economy of the municipality, region and State. When necessary, the State can commit public funds to prepare the planning and implementation of the site remediation. Eligible sites must be located in either a distressed community, as defined in CGS Section 32-9p, or a target investment community, and the site must have a high economic development potential as determined by DECD. These funds are intended as "seed capital" to expedite the project. Recovery of state funds committed to a project will be sought.

- Dedicated staff resources are available to address the environmental issues at underutilized or abandoned urban industrial facilities.
- DEEP can expedite review of site remediation plans prepared by responsible parties willing and able to work with DEEP.
- Bond funds are available to hire private consultants to undertake site assessments and remedial measure when the responsible party(ies) are unwilling or unable to undertake the work in a timely manner. DEEP and DECD may seek cost recovery for expended funds.
- DEEP Oversight
- CGS Section 22a-133m

### **Municipal Brownfield Liability Relief Program**

[http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav\\_GID=1626](http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav_GID=1626)

- The program is open to any municipality or economic development agency, nonprofit economic development corporation, or nonstock corporation or limited liability company established by a municipality to address redevelopment.
- Qualified applicants must apply to DEEP on the designated Municipal Brownfield Liability Relief Program Application Form ([Word](#) / [PDF](#)) for liability relief associated with a certain Brownfield property and certify that they:
  - intend to acquire title to such brownfield for the purpose of redeveloping or facilitating the redevelopment of such brownfield;
  - did not establish or create a facility or condition at or on such brownfield that can reasonably be expected to create a source of pollution;
  - are not affiliated with any person responsible for such pollution; and
  - are not otherwise required to remediate such
- Provides state and third party liability relief for any pre-existing contamination.
- Provides exemption from the Property Transfer Act.
- Once in the program, municipalities are not required to fully investigate or cleanup the Brownfield but are required to serve as good stewards of the land.



### **Other Traditional Incentives**

- Site development assurance to deal with environmental issues and remediation
- Funding for infrastructure - roads sewer, fiber, water, etc.
- Density bonus (above what is allowed by right)
- Relief from building height restrictions
- Public Private Partnerships
- Expedited review of permitting for development review
- Relief from other zoning regulations such as building setbacks, floor heights, lot area, parking requirements, or number of dwellings.